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Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani

Summary

The present report, submitted in accordance with Human Rights Council resolution 23/8, provides an account of the activities undertaken by the Special Rapporteur on the human rights of internally displaced persons, during the period since the submission of his previous report to the Council. It also provides a thematic analysis of the human rights of internally displaced persons in the context of the post-2015 development agenda.

The objective of ensuring a life of dignity for all lies at the heart of the Millennium Development Goals and the post-2015 development agenda. Internally displaced persons are frequently deprived of their human rights, stripped of the elements of their lives that provide dignity: their homes, a livelihood and income, a sense of belonging and of what the future holds, security and justice, the knowledge that they will be able to feed, clothe and educate their children, and the ability to make decisions about their lives. The displacement experience is one of trauma, dependency and survival, with the average conflict-induced displacement lasting a staggering 17 years. Ensuring durable solutions for internally displaced persons is a complex process which requires that they be included in sustainable development goals and strategies that seek to restore to them conditions of normality in circumstances of dignity and safety, and a secure future.

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I. Introduction

1. The present report by the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, is submitted in accordance with Human Rights Council resolution 23/8. The first part provides an overview of his activities over the reporting period since his last report to the Council.

2. The second part considers the human rights of internally displaced persons (IDPs) in the context of the post-2015 development agenda and the sustainable development goals. It urges greater attention to IDPs within the framework of development processes, targets and activities relating to durable solutions. States are urged to include IDPs, in particular those in protracted displacement situations, as beneficiaries of and contributors to their development programmes and strategies.

II. Activities of the mandate

A. Mandate

3. The Human Rights Council, in its resolution 23/8, mandated the Special Rapporteur to address internal displacement, in particular by mainstreaming the human rights of IDPs into all relevant parts of the United Nations system, working towards strengthening the international response to internal displacement, engaging in coordinated international advocacy and action for improving protection and respect of the human rights of IDPs, and continuing and enhancing dialogue with governments, intergovernmental, regional and non-governmental organizations and other relevant actors.

B. Engagement with countries

Kenya

4. During his follow-up visit to Kenya from 29 April to 7 May 2014, the Special Rapporteur stressed that finding durable solutions for IDPs was a long-term process requiring humanitarian, development and peacebuilding action. Although progress had been made in supporting durable solutions for those displaced by the post-election violence of 2007–2008, significant obstacles persisted, most notably regarding socioeconomic and political participation. In Moyale, in northern Kenya, he highlighted the situation of those newly displaced due to ethnic and intercommunal violence or natural disasters. He urged the Government to implement fully its progressive legislation adopted in 2012 on assistance and protection for IDPs and affected communities, and to ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention).

Azerbaijan

5. From 18 to 24 May 2014, the Special Rapporteur visited Azerbaijan, including IDP settlements in and around Baku and in the western district of Agdam. He welcomed the progress made by the authorities in improving the living conditions of IDPs. He noted that reaching a peaceful settlement to the unresolved conflict in and around the Nagorno-

Karabakh region[1] was critical to resolving the protracted situation of internal displacement. He emphasized that the inclusion of IDPs in development planning strategies in areas such as housing, education, health and employment was necessary to strengthen their resilience, livelihood opportunities and self-reliance. He stressed that IDPs must be fully involved in development planning decisions and processes and recommended that a survey of intent and a needs-based assessment be carried out in preparation for durable solutions (A/HRC/29/34/Add.1).

Côte d'Ivoire

6. From 16 to 20 June 2014, two years after his official mission to Côte d'Ivoire, the Special Rapporteur visited Abidjan to assess the progress made in fostering durable solutions for IDPs. While the majority of IDPs had returned to their area of origin, he stressed the need for continued support to secure their basic needs and to rebuild their lives sustainably. IDPs in need of durable solutions must not be forgotten at a time when humanitarian actors were drawing down their activities. He stressed that the ratification by Côte d'Ivoire of the Kampala Convention in 2014 provided a framework for concerted action and he pointed out that IDPs must participate in national elections in 2015.

Haiti

7. From 29 June to 5 July 2014, the Special Rapporteur visited Port-au-Prince to assess the overall situation of IDPs in Haiti, four years after the earthquake. He called for a transition from a largely humanitarian approach to development strategies that would include durable solutions for IDPs in the context of addressing vulnerability and extreme poverty. He reaffirmed the primary responsibility of the Government to work towards rights-based development approaches to alleviating poverty while incorporating durable solutions for IDPs (A/HRC/29/34/Add.2).

Ukraine

8. From 16 to 25 September 2014, the Special Rapporteur visited Ukraine, including the Luhansk and Donetsk regions in eastern Ukraine. He urged the Government to intensify its efforts to meet the needs and protect the human rights of IDPs from the conflict-affected eastern region and the Autonomous Republic of Crimea. Noting the lack of comprehensive data on the number, location and needs of displaced persons, he stressed that full registration and profiling of IDPs, including needs assessments, were essential. Registration procedures should be harmonized to ensure access for IDPs to essential services, employment and livelihood opportunities, and to enable them to vote in future elections (A/HRC/29/34/Add.3).

Central African Republic

9. From 10 to 14 February 2015, the Special Rapporteur visited the Central African Republic on a joint mission with the Assistant Secretary-General of the Office for the Coordination of Humanitarian Affairs and the Director of Operations of the Humanitarian Aid and Civil Protection department of the European Commission. The delegation visited Bambari, Yaloke, Mpoko and PK5 in Bangui. The Special Rapporteur stressed the need to ensure the safety and freedom of movement of IDPs, while protecting the way of life of nomadic groups. He welcomed the ratification by the Central African Republic of the Kampala Convention, but urged that consultations for the national dialogue (the Bangui Forum on National Reconciliation) be truly inclusive of IDPs.

[1] Any reference to the territories in and around the Nagorno-Karabakh region should be understood to be in full compliance with General Assembly resolution 62/243 of 14 March 2008.

Requests for country visits

10. Since his previous report, the Special Rapporteur has made or reiterated requests to visit Colombia, Iraq, Mexico, Nigeria, the Philippines and the Syrian Arab Republic.

C. Cooperation with regional and international organizations

11. The Special Rapporteur engaged closely with the African Union to promote ratification and implementation of the Kampala Convention. He visited the African Union headquarters in March 2014 to activate a joint continent-wide action plan on implementation of the Convention. He called upon States parties to establish or strengthen internal mechanisms promoting the engagement and participation of local authorities, communities, civil society organizations and the private sector. In November 2014, as keynote speaker at the African Union Humanitarian Symposium in Nairobi, he discussed effective humanitarian interventions and assistance in conflict-induced displacement situations. In December 2014, he took stock of and urged greater progress on the Convention at an event organized by the Permanent Delegation of the African Union to the United Nations Office at Geneva marking the second anniversary of the entry into force of the Convention.

12. In July 2014, the Special Rapporteur participated in a joint initiative of the Organization for Security and Cooperation in Europe (OSCE), including delegations from participating States, and the Office of the United Nations High Commissioner for Refugees (UNHCR), to promote a more collaborative approach to addressing displacement, using the Protection Checklist elaborated jointly by OSCE, UNHCR and his mandate. The Checklist is a tool for ensuring the protection of displaced populations and affected communities at all stages of a conflict. He also informed the OSCE participating delegations of his findings in OSCE States affected by displacement.

13. The Special Rapporteur maintained a strong partnership with civil society organizations. Among such collaboration, he appreciates the support provided by the Brookings-London School of Economics Project on Internal Displacement, and the strategic partnership with the Joint IDP Profiling Service, the Danish Refugee Council and the Internal Displacement Monitoring Centre. Civil society has played a vital role in supporting him, including during his country visits.

D. Mainstreaming the human rights of internally displaced persons in the United Nations system

14. The Special Rapporteur continued to support the mainstreaming of the human rights of IDPs within the United Nations system and the wider humanitarian community by participating actively in the work of the Inter-Agency Standing Committee, the Global Protection Cluster and the humanitarian affairs segment of the Economic and Social Council. He drew on his recent missions to illustrate the importance of humanitarian principles in responding to the protection and assistance needs of IDPs, both in the emergency phase of conflicts and in the search for durable solutions.

15. In May 2014, the Special Rapporteur addressed the Security Council in an "Arria formula" meeting on "Protection of internally displaced persons: challenges and role of the Security Council",[2] focusing on common goals of the Council and its partners, inter

[2] Available from www.ohchr.org/Documents/HRBodies/SP/ArriaFormula_SC_on_protection_of_IDPs.pdf.

alia: protection of civilians, including IDPs in areas of refuge, during flight and upon return; and durable solutions involving humanitarian and development challenges, but also peacebuilding challenges. He addressed the Council again in October, in a debate on "Women, peace and security — displaced women and girls: leaders and survivors". He stressed that internally displaced women often faced double discrimination as IDPs and women. They experienced unique human rights challenges due to the intersection of gender with factors such as age, group affiliation, disability and their civil or socioeconomic situations. Despite positive developments, responses to internal displacement still did not adequately address the specific concerns of women and girls.

16. In June 2014, the Special Rapporteur participated in a Central and West African consultation, in Abidjan, in preparation for the World Humanitarian Summit, and from 2 to 6 March 2015, he participated in a Middle East and North African regional consultation in Amman. At those consultations, he highlighted approaches to mitigating protracted displacement, building more coherence between governments, development partners and the humanitarian community, and support for communities affected by displacement. Stressing the lack of preparedness of regional and national actors in responding rapidly to IDP needs, he stated the necessity to adopt regional instruments and national laws and policies on internal displacement and urged that effective partnerships be entered into in order to respond to emergency needs in urban areas.

17. In September 2014, the Special Rapporteur participated in a panel on "Durable solutions for post-crisis development", in the context of the World Reconstruction Conference 2 organized by the World Bank. He stressed the importance of the involvement of development partners to attain durable solutions. Drawing on examples from his missions, he shared challenges and opportunities encountered in developing durable solutions for post-crisis displacement.

III. Internally displaced persons in the context of the post-2015 development agenda

A. Introduction and overview

18. The phenomenon of displacement is currently, more than ever before, a global crisis. As at December 2013, an estimated 33.3 million persons were internally displaced by conflict and violence globally. In addition, in 2013 alone, some 22.4 million people were newly displaced within their own countries by disasters. Given new and ongoing crises, these figures are likely to have increased in 2014, with displacement at its highest level since the Second World War.

19. Displacement, whether caused by conflict, violence or disaster, usually leads to extreme poverty and renders IDPs highly vulnerable. It typically results in loss of land, homes and property, loss of employment or livelihood, food insecurity, lack of access to basic services, including water and sanitation and health care, and poor access to education. Displacement may cause IDPs to be more at risk of violence, including sexual and gender-based violence, trafficking and other forms of abuse, either in the context of ongoing conflicts or due to the perilous and poor conditions in which IDPs find themselves. Displacement causes disintegration of community and family cohesion, and of socioeconomic networks and support mechanisms.

20. While the numbers of IDPs are shocking, an even more surprising statistic is that the average duration of conflict-induced displacement is now a staggering 17 years.[3] While some IDPs are able to return to their homes relatively quickly and with all the necessary assistance, for many, displacement is a protracted and life-changing experience which may last decades.

21. The challenges facing IDPs have long been recognized internationally. In 1998, Kofi Annan, then United Nations Secretary-General, noted that internal displacement had emerged as one of the great human tragedies of our times and that internally displaced people were among the most vulnerable of the human family. The former United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator and current Secretary General of the Norwegian Refugee Council, Jan Egeland, has stated that "something is going terribly wrong in how we are responding and dealing with this issue".[4] The United Nations High Commissioner for Refugees, António Guterres, has affirmed that "we have a shared responsibility to act to end this massive suffering. Immediate protection and assistance for the internally displaced is a humanitarian imperative."[5]

22. Internal displacement must also be recognized as a development imperative requiring sustainable solutions. If not appropriately addressed through durable solutions, internal displacement can strain the capacities of the communities in which IDPs live, potentially leading to further instability, strife and displacement. Internal displacement crises can impede the achievement of national development goals and may destabilize the regions affected, particularly in conflict or fragile post-conflict settings. However, where development-based durable solutions are implemented, the positive contributions of IDPs to their own and to their hosts' communities can be significant as IDPs adapt to new lives and new livelihoods.

23. The challenges posed by, and the increasingly protracted duration of, internal displacement mean that it must be recognized as a development challenge for the international community and all nations facing internal displacement situations. Failing to do so potentially leaves many millions of IDPs neglected and excluded from development processes. Regrettably, IDPs frequently fall outside the net of development action, in large part due to the perception that the issues of displaced persons require primarily humanitarian rather than development solutions. While humanitarian assistance is essential to support IDPs through the immediate crisis and its aftermath, development approaches and the engagement of development actors as well as peacebuilding actors from the very outset ensure that durable solutions are made available to IDPs.

24. Rather than being included in development initiatives, over time IDPs often lose the attention and support of national authorities and international actors. This is particularly true for those living outside collective centres or camps, dispersed and hosted within families and displacement-affected communities, for instance in urban areas. However, it can also be witnessed when long-term IDP camps become established, semi-permanent settlements where, due to necessity, coping mechanisms improve and economic and social functions begin to emerge and take root.

25. There is a danger of camps and their populations becoming "invisible" or an inconvenience that national authorities seek to remove by closure or demolition of facilities. Regrettably, some governments have taken the view that the closure of camps and/or the provision of cash grants to IDPs without linking the grants to livelihood and other

[3] See www.internal-displacement.org/blog/2014/a-record-33-3-million-now-displaced-by-conflict-and-violence-worldwide-as-one-family-flees-inside-syria-every-60-seconds.

[4] Ibid.

[5] Ibid.

sustainable strategies, constitute a solution to displacement that absolves them of further responsibilities. Such measures may be forced upon IDPs or accepted by them, since they are frequently unaware of their rights under international law.

B. Progress towards ensuring a place for internally displaced persons in development agendas

26. With displacement at its highest levels since the Second World War, it is important to revisit the fundamental premises on which the post-war order is based, in the context of displacement. The 1945 Charter of the United Nations (Arts. 55 and 56) created an obligation for the United Nations and Member States to create conditions of stability and well-being based on respect for the equal rights and self-determination of peoples, and to promote and pledge to achieve, inter alia, higher standards of living, full employment, and conditions of economic and social progress and development. Those obligations also pertain to IDPs and require their inclusion in the post-2015 development agenda.

27. The 1986 Declaration on the Right to Development (General Assembly resolution 41/128, annex) underscores that development is an inalienable human right. It establishes that: "States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom." Nevertheless, IDPs have frequently been neglected in or excluded from development strategies and programmes.

28. A 2014 European Commission paper on "Development, refugees and IDPs"[6] states:

> While refugees and IDPs frequently benefit from humanitarian assistance, they are often excluded from programmes and activities carried out by development actors, with the result that their developmental needs may be neglected and efforts to achieve sustainable solutions receive inadequate attention. At the same time, host populations might not benefit from humanitarian assistance provided to refugees and IDPs, paving the way to potential conflicts between the two communities. In addition, the development needs of returnees and long-term strategies to address them have often been overlooked once back in the country or area of origin.

29. UNHCR highlights that approximately three quarters of displaced persons, both refugees and IDPs, are in situations of protracted displacement. It has stated:

> the perception that displacement challenges can only be addressed by humanitarian means is ill-conceived which has either impeded or delayed in achieving the sustainability of solutions or resulted in protracted displacements finding difficulties to break from the cycle of dependence on humanitarian assistance and to move on with their lives and livelihoods.[7]

30. In his report to the General Assembly (A/68/225), in which he addressed the role of humanitarian and development actors in achieving durable solutions for IDPs through peacebuilding in the aftermath of conflict, the Special Rapporteur identified initiatives aimed at bridging the gap between relief and development. For instance, the Solutions Alliance was launched in April 2014 when humanitarian actors, development organizations,

[6] Available from http://ec.europa.eu/echo/files/policies/sectoral/2014_dev_refugees_idps_issuespaper.pdf.

[7] UNHCR, "Concept note: Transitional Solutions Initiative", p. 1.

States, donors and civil society gathered in Copenhagen to discuss solutions to protracted displacement and its management. On that occasion, it was emphasized that the displacement of refugees and IDPs presents significant development opportunities and challenges, in addition to the humanitarian needs and the humanitarian "imperative".[8]

31. In recent years, some development actors have increasingly paid attention to IDPs. In 2012, the World Bank developed *Guidelines for Assessing the Impacts and Costs of Forced Displacement* in order to meet the need for enhanced understanding and evaluation of the economic and social aspects of forced migration. In a more recent report of the Global Program on Forced Displacement of the World Bank, *Political Economy and Forced Displacement: Guidance and Lessons from Nine Country Case Studies*, a political economy analysis was used as a tool to demonstrate the development impacts of displacement and to advance arguments for development initiatives to assist IDPs and host communities.

32. The positive achievements of the Millennium Development Goals demonstrate that significant progress by States is possible, in collaboration with international development partners. Lessons can be learned, for example, from what has been achieved in poverty reduction and providing access to education in the least developed countries. However, lessons must also be learned about where and why the Goals failed to benefit the poorest and most vulnerable groups. It is essential to intensify efforts to reach those individuals, communities and population groups, including IDPs, who have been bypassed, neglected or failed.

33. Despite the explicit commitments made in the United Nations Millennium Declaration to protect the vulnerable and "to help all refugees and displaced persons to return voluntarily to their homes, in safety and dignity and to be smoothly reintegrated into their societies",[9] millions of IDPs globally are amongst those who were left behind as others were brought out of poverty. All durable solutions, not just return, but also local integration or settlement elsewhere within the country, must be considered as options available to IDPs. They all require the involvement of development processes, strategies, and actors for their achievement.

34. Over the Millennium Development Goal period, millions of people in numerous countries have been plunged into extreme poverty and vulnerability as a direct result of internal displacement. The United Nations *Millennium Development Goals Report 2014*[10] acknowledges that "every day in 2013, 32,000 people had to abandon their homes to seek protection due to conflict". The number of newly displaced persons[11] has tripled since 2010, representing a significant setback to achievements under the Goals and demonstrating a disturbing trend towards increasing displacement that must be recognized in the post-2015 development agenda.

C. Towards greater attention to internally displaced persons in the post-2015 development agenda

35. The Open Working Group on Sustainable Development Goals released its proposal on sustainable development goals in August 2014. The proposed goals are: (1)

[8] Roger Zetter, "Reframing displacement crises as development opportunities", policy brief prepared for the Global Initiative on Solutions Copenhagen Roundtable, 2 and 3 April 2014, p. 1.

[9] General Assembly resolution 55/2, para. 26.

[10] Available from www.un.org/millenniumgoals/2014%20MDG%20report/MDG%202014%20English.pdf.

[11] Displaced internally or across international borders.

End poverty in all its forms everywhere; (2) End hunger, achieve food security and improved nutrition and promote sustainable agriculture; (3) Ensure healthy lives and promote well-being for all at all ages; (4) Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all; (5) Achieve gender equality and empower all women and girls; (6) Ensure availability and sustainable management of water and sanitation for all; (7) Ensure access to affordable, reliable and sustainable and modern energy for all; (8) Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; (9) Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation; (10) Reduce inequality within and among countries; (11) Make cities and human settlements inclusive, safe, resilient and sustainable; (12) Ensure sustainable consumption and production patterns; (13) Take urgent action to combat climate change and its impacts; (14) Conserve and sustainably use the oceans, seas and marine resources for sustainable development; (15) Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss; (16) Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels; (17) Strengthen the means of implementation and revitalize the global partnership for sustainable development.

36. There is much to praise in the approach of the international community to the post-2015 development agenda and sustainable development goals. While IDPs are not explicitly referred to in the currently proposed goals and targets, several have the potential, directly or indirectly, to have a positive impact on IDPs, including through new or enhanced focus areas, for example, to reduce inequality; to make cities and human settlements inclusive, safe, resilient and sustainable; and to take urgent action to combat climate change and its impacts. Nevertheless, it is essential that broad references to and definitions of "vulnerable", "marginalized" and "disadvantaged" groups explicitly include IDPs.

37. That having been said, it is not sufficient to simply include IDPs in a list of vulnerable groups. In a joint note sent to the United Nations Secretary-General in October 2014, the Special Rapporteur, the Office for the Coordination of Humanitarian Affairs, UNHCR and the International Organization for Migration (IOM) expressed concern that, despite strong support from many Member States, a dedicated displacement target was omitted from the final report of the Open Working Group on Sustainable Development Goals (A/68/97).[12] A dedicated target on reducing the number of IDPs and refugees by providing durable solutions, contained under proposed sustainable development goal 16 on achieving peaceful and inclusive societies would be a valuable step towards that end.

38. In December 2014, the synthesis report of the Secretary-General on the post-2015 sustainable development agenda[13] highlighted "gap issues", and included explicit references to internal displacement. It calls for a transformative shift away from business as usual and proposes six "essential elements": (a) dignity: to end poverty and fight inequalities; (b) people: to ensure healthy lives, knowledge and the inclusion of women and children; (c) prosperity: to grow a strong, inclusive, and transformative economy; (d) planet: to protect our ecosystems for all societies and our children; (e) justice: to promote

[12] A previous draft of the proposed goals contained a specific target on IDPs and refugees, but did not find consensus. During the thirteenth session of the Open Working Group, in July 2014, more than 20 countries argued for an IDP/refugee target under goal 16.

[13] The road to dignity by 2030: ending poverty, transforming all lives and protecting the planet (A/69/700).

safe and peaceful societies and strong institutions; (f) partnership: to catalyse global solidarity for sustainable development.

39. The synthesis report recognizes increasingly negative displacement trends. In the section on "dignity" it states that no society can reach its full potential if whole segments of that society are excluded from participating in, contributing to, and benefiting from development. It notes that the agenda "must not exclude migrants, refugees, displaced persons, or persons affected by conflict and occupation". The chapter entitled "A synthesis" states that particular attention should be given to countries in situations of fragility and conflict and the specific conditions of each country should be addressed. There is a consistent call to "leave no one behind" and ensure equality, non-discrimination, equity and inclusion. The report states: "We must pay special attention to the people, groups and countries most in need. We need to include the poor, children, adolescents, youth and the aged, as well as the unemployed, rural populations, slum dwellers, persons with disabilities, indigenous peoples, migrants, *refugees and displaced persons, vulnerable groups* and minorities. These also include those affected by climate change."

40. On "justice", the report highlights the need "to rebuild and reintegrate societies better after crises and conflicts. We must address State fragility, *support internally displaced persons* and contribute to resilience of people and communities. Reconciliation, peacebuilding and State-building are critical for countries to overcome fragility and develop cohesive societies and strong institutions. These investments are essential to retaining the gains of development and avoiding reversals in the future". Finally, the report emphasizes that "we must, inter alia, address inequalities in all areas, agreeing that *no goal or target be considered met unless met for all social and economic groups*."

41. The synthesis report provides a clear call to include IDPs. Political negotiations continue in 2015 and will culminate in a Special Summit on Sustainable Development, to be attended by Heads of State and Government, in New York from 25 to 27 September, at which the post-2015 development agenda and the sustainable development goals will be adopted. The Special Rapporteur stresses the need for the ongoing discussions to address displacement. Displacement concerns must also be addressed in the formulation of indicators for targets whose implementation can affect the well-being of IDPs, including those relating to resilience and disaster risk reduction; equal opportunity; and social, economic political inclusion.

D. Durable solutions and development for internally displaced persons

42. Durable solutions for IDPs and sustainable development goals are inherently linked and mutually reinforcing. Durable solutions envisage three scenarios: sustainable reintegration in the place of origin (return); sustainable local integration in areas where IDPs take refuge (local integration); or sustainable integration in another part of the country.[14] IDPs must be able to make decisions voluntarily, through informed choice, on solutions that meet their needs. Freeing IDPs from the cycle of dependency is the key goal of durable solutions and is best achieved by their inclusion in development strategies and rights-based approaches that recognize and respond to their unique situations. Walter Kälin, former Representative of the Secretary-General on the human rights of internally displaced persons, stated in his 2009 report: "A durable solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are

[14] Inter-Agency Standing Committee, *IASC Framework on Durable Solutions for Internally Displaced Persons* (Washington, D.C., The Brookings Institution – University of Bern Project on Internal Displacement, 2010).

linked to their displacement and can enjoy their human rights without discrimination on account of their displacement."[15]

43. States and other national and international actors frequently misunderstand what constitute durable solutions. Neither return to place of origin nor establishing permanent settlement elsewhere constitute, on their own, durable solutions. In places of origin, homes, infrastructure and livelihoods may be destroyed and development projects are essential for early recovery and reconstruction. Property may have been occupied or sold creating significant obstacles to be resolved. IDPs opting for local integration require development assistance to overcome barriers to integration. Improved housing provision or cash grants, for example, do not constitute durable solutions if not combined with strategies to address livelihood and integration objectives. Host communities affected may also require sustained development assistance.

44. As highlighted in the IASC Framework on Durable Solutions for Internally Displaced Persons, achieving durable solutions entails responding to key development challenges in addition to guaranteeing security and non-discrimination. They include ensuring access to livelihoods, education and health care in areas of return, local integration or other settlement areas, helping to establish or re-establish local governance structures and the rule of law, and supporting the rebuilding of houses and infrastructure. International humanitarian and development actors must have rapid and unimpeded access to assist IDPs in finding durable solutions. Such actors have a complementary role alongside national authorities and they should all work together to set up a rights-based process to support durable solutions for IDPs.

45. Humanitarian responses to displacement are frequently short-term and focused on immediate needs despite the fact that chronic and protracted crises have become the norm and are to a large extent predictable. Humanitarian actors commonly focus on narrowly defined mandates and objectives, for example the provision of shelter, water, sanitation and hygiene, food, health care or education. Humanitarian coordination has vastly improved, including through the use of thematic clusters, and in some situations working groups on durable solutions. However, responses rarely meet durable solutions criteria for protracted displacement situations. Holistic development approaches have long-term and sustainable objectives which recognize, for example, the fundamental interconnection between shelter and livelihood, and their importance for health, food security and education.

E. Why should internally displaced persons be a priority within development agendas?

46. Due to conflict and political, social or other factors, including failure to implement international standards, many IDPs in all regions find themselves in protracted displacement situations. What were originally "temporary" solutions may regrettably become more permanent places of settlement. According to the Office for the Coordination of Humanitarian Affairs, when governments and international agencies understand that reality they must recognize that "internal displacement is not only a humanitarian issue but ultimately and most importantly a long-term development issue that requires the full and sustained engagement of a diversity of national and international actors".[16]

[15] A/HRC/13/21/Add.4.

[16] Hansjoerg Strohmeyer, Chief of Policy Development, Office for the Coordination of Humanitarian Affairs, "The forgotten millions". Available from https://medium.com/@UNOCHA/the-forgotten-millions-6a18188d165c.

47. As the Special Rapporteur pointed out in the joint note to the Secretary-General in October 2014 with Valerie Amos, António Guterres and William Lacy Swing:

> The displaced are often excluded from longer-term development and institutional planning. If left unaddressed, protracted displacement generates further marginalization, inequality, fragility, vulnerability and erodes people's resilience. This poses a serious impediment to all present pillars of sustainable development both for the displaced persons and host communities. Development actors need to increase their engagement from the onset of a crisis to ensure that the development dimensions of displacement are addressed. The post-2015 development agenda therefore needs to address protracted displacement by ensuring effective support for durable solutions.[17]

48. Displacement commonly leaves homes, infrastructure, businesses and livelihoods in ruins, and requires extensive reconstruction and socioeconomic development projects. The impacts on communities and the psychological well-being of IDPs also require attention to rebuild functioning communities. Where IDPs return to environments of previous conflict, development actors can introduce elements of community cohesion, justice and reconciliation into development projects that work across previously conflict-affected communities as key development and peacebuilding initiatives.

49. A consideration of some of the proposed sustainable development goals through an internal displacement lens, informed by IDP standards, and the work and visits of the Special Rapporteur and his predecessors, demonstrates the clear rationale for dedicated attention to IDPs.

Goal 1: End poverty in all its forms everywhere

50. IDPs often lose their homes, land, possessions, livelihoods and their financial resources. They are among the poorest of the poor and may be made more vulnerable by hostility and insecurity, as well as by the trauma of displacement and the breakdown of community cohesion. They are likely to have weaker and less established coping mechanisms than other poor communities, and what resources they do have are likely to be targeted towards basic survival. Owing to their unique circumstances, while their coping mechanisms, employment and income-generating activities may improve over time, the poverty experienced by IDPs is likely to be more extreme and persistent than poverty experienced by others in society and requires dedicated programmes to address it. Consequently, the target to eradicate extreme poverty for all people everywhere by 2030 will be impossible to meet without tackling the situation of IDPs.

51. During his visit to Haiti in July 2014, the Special Rapporteur noted that one of the main obstacles in the search for durable solutions for IDPs remained the extreme poverty from which a large portion of the population suffered and which particularly affected those displaced by the 2010 earthquake. In that context, the Special Rapporteur further reaffirmed the primary responsibility of the Government to work towards rights-based development approaches to alleviating poverty that incorporated durable solutions for IDPs.

Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture

52. Hunger and food insecurity are frequently the most pressing problems for IDPs. Having lost access to lands and livelihoods, their ability to produce or purchase food may be limited, leaving them heavily reliant on humanitarian aid or the charitable donations of

[17] Joint note from OCHA, UNHCR, IOM and the Special Rapporteur on the human rights of internally displaced persons to the United Nations Secretary-General (October 2014).

host families and communities, who may also face food insecurity. Where displacement becomes protracted, without durable solutions in place, food security and nutrition problems may be particularly pronounced, especially where humanitarian aid has diminished or ended. Often lacking adequate coping mechanisms, IDPs are amongst the most vulnerable communities in terms of food security.

53. While humanitarian aid staples often consist of rice, beans, oil and tinned produce, as well as products to meet the nutritional needs of children, there is frequently a shortage of higher value or perishable foodstuffs, such as meat, fish and vegetables. A restricted diet over any significant period can result in inadequate nutrition and malnutrition, with a lasting effect on the health of individuals and their susceptibility to illness. In this respect, the Special Rapporteur stresses the importance of taking into account the specific needs of children, breastfeeding mothers and groups with specific dietary habits, such as nomadic peoples. Systematically implementing an approach to hunger and food security that recognizes the need for availability, accessibility, acceptability and quality, means also including IDPs.

54. During his joint visit to the Central African Republic in February 2015, the Special Rapporteur deplored the living conditions of nearly 500 members of the Peulh minority group, trapped in an enclave in Yaloke.[18] According to reports, the food being distributed in Yaloke does not meet the cultural and nutritional needs of the Peulh minority group. The Peulh, living largely on a diet of beef and milk from cattle, are not used to the rice and beans that humanitarian agencies distribute. As of December 2014, over 40 Peulh had died from malnutrition and other diseases, the majority of them children.

55. In many displacement situations access to land, livestock and employment are essential elements of durable solutions and development that must be put in place to enable IDPs to reduce or eliminate their dependency on humanitarian aid. Furthermore, where large numbers of IDPs are sheltered within host communities they can be a heavy burden on the food security of such non-IDP communities, whose food resources must be spread further.

Goal 3: Ensure healthy lives and promote well-being for all at all ages

56. IDPs frequently lose access to health care and medicines and rely heavily on humanitarian health-care assistance. The situation is particularly acute in the least developed countries where health-care provision is generally poor and in rural areas where facilities are sparse. In cases of large-scale displacement, the capacity of existing health-care services is often inadequate to respond to the psychological and physical health-care needs of IDPs. In urban settings, the challenges are also acute and include lack of capacity of health-care services, and challenges relating to documentation and possible discrimination. The costs of services and medicines frequently put adequate health care out of the reach of IDPs.

57. Médecins Sans Frontières has highlighted the health-care challenges facing IDPs, especially in the context of conflict, noting that "while programmes exist to provide surgical and other care to these victims, the vast majority will not receive the care they need because they live in regions where the health-care system has collapsed and where it is too dangerous for independent aid agencies to operate".[19] To achieve that target "for all at all ages", requires resolving the health-care and well-being challenges experienced by IDPs.

[18] See UNHCR, Questions and answers, "UN rapporteur looks at how to restore stability and peaceful coexistence in CAR" (27 February 2015), available from www.unhcr.org/54f090f06.html.

[19] Available from www.doctorswithoutborders.org/our-work/humanitarian-issues/refugees-and-idps.

58. During his visit to Azerbaijan in May 2014,[20] the Special Rapporteur highlighted the difficulties IDPs encountered in accessing health services due to limited availability and supplies in IDP communities. Limited access to reproductive health services was also raised. During his visit to Ukraine in September 2014,[21] the Special Rapporteur learned that IDPs lacked access to essential medicines, which were not available free of charge. Those IDPs requiring urgent medical care or maternal health care and those with chronic health conditions are particularly vulnerable. Congested or cramped living conditions, poor hygiene and sanitation breed and spread diseases. The psychological impact of displacement and proximity to conflict often requires specialist care, rarely available to IDPs.

Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

59. For many children in displacement situations, exclusion from education can be a long-term problem. Particularly in less developed countries, lack of resources, buildings, teachers and education materials may all create barriers to education. Lack of documentation, including birth certificates, may be a factor in States in which students must demonstrate their citizenship or residence in a region to have access to services. Discrimination may also be a factor, with schools and local authorities being reluctant to accept displaced children from different ethnic, linguistic or religious groups.

60. Education also provides routine, normality, a protective function, support and information and can be an important step towards community integration in displacement locations. For IDPs, education may be a low priority in the face of survival needs. Children may contribute economically to displaced communities, which can be another barrier to their schooling. Internally displaced parents may exclude children from school in the belief that they will quickly return to their original homes, only for their displacement to become protracted. Parents may also hesitate to send their children to school in conflict zones which may be targeted for forced recruitment of children.

61. On his visit to Côte d'Ivoire in 2012,[22] the Special Rapporteur noted that in some western regions, an estimated 140,000 children had missed out on their education in 2011, due to insecurity and the destruction and pillaging of school buildings. Education was also disrupted in the centre and east of the country, and in Abidjan. He stressed that urgent measures were needed to ensure that children, some of whom had seen their education repeatedly disrupted, were provided with support to resume their education and make up the years of lost schooling.

Goal 5: Achieve gender equality and empower all women and girls

62. As women and mothers, poor and frequently from minorities, internally displaced women face multiple and intersectional challenges. Women are frequently separated from men in conflict-related displacement situations, sometimes permanently due to the death of men, or to men joining the armed conflict or being forced to flee the conflict without their families. Women also frequently have the primary responsibility of caring for children and the elderly and are less able to seek employment or income-generating activities. Despite these obstacles, internally displaced women frequently take on family and community leadership roles.

[20] See A/HRC/29/34/Add.1.
[21] See A/HRC/29/34/Add.3.
[22] See A/HRC/23/44/Add.1, para. 61.

63. As highlighted by the Special Rapporteur in his address to the Security Council[23] as well as in a press statement marking the International Day for the Elimination of Violence Against Women,[24] internally displaced women and girls are often disproportionately affected by displacement. The Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, has said: "They flee to escape arbitrary killings, rape, torture, inhuman or degrading treatment, forced recruitment or starvation, but too often, they encounter the same level of insecurity, violence and threats of violence, reinforced by a climate of impunity, at their destination."[25]

64. In his 2013 report on internally displaced women, the Special Rapporteur noted that discussions of gender issues within host and return communities and how particular durable solutions could backstop protection for internally displaced women remained relatively nascent.[26] Addressing them required more concerted attention, as well as cooperation between humanitarian and development actors.[27] Amongst his recommendations, he urged States to facilitate the active participation of internally displaced women in the development and implementation of national and regional action plans on women, peace and security, and the integration of their diverse concerns into such plans.

Goal 6: Ensure availability and sustainable management of water and sanitation for all

65. Secure access to safe water and sanitation can be a matter of life or death for IDPs. While national and international actors have achieved much in terms of emergency humanitarian provision of water, sanitation and hygiene for all, barriers to the provision of safe water and sanitation continue to create and exacerbate disease, illness and death among IDPs. Once humanitarian actors leave or step down their activities following conflict or disaster, the degradation of emergency water and sanitation systems remains a significant challenge for many IDPs.

66. Humanitarian programmes have achieved essential results. In the Darfur region of the Sudan displacement has affected an estimated 2.7 million Darfurians since 2013. A 647 million euro project from April 2012[28] provided IDPs in targeted camps with 15 litres of safe water per day; established water collection points within safe walking distance; ensured access to adequate sanitation facilities and latrines; and ensured that targeted communities had knowledge of waterborne diseases and their prevention. Some 182,890 people were beneficiaries of the 12-month programme. While such results are impressive, the challenge remains to ensure sustainability and to transition from humanitarian responses to durable, development-led solutions as early as possible.

Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

67. Seeking and obtaining employment or livelihood activities are commonly more difficult for displaced persons in unfamiliar localities who may face additional barriers,

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[23] Open debate on "Women, peace and security — displaced women and girls: leaders and survivors" (October 2014).

[24] Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15343&LangID=E.

[25] Ibid.

[26] A/HRC/23/44, para. 50.

[27] Ibid.

[28] Available from www.danchurchaid.org/where-we-work/list-of-projects/previous-projects/improving-water-sanitation-and-hygiene-for-internally-displaced-people-in-sudan.

including discrimination, loss of documents, and the psychosocial impact and pressures of displacement. Where they find refuge in areas of existing unemployment or economic hardship they are likely to be the last to gain work if it does become available. Women and mothers are likely to face unique challenges and restrictions to their income-generating activities, including childcare issues and the threat of violence if they leave the camps.

68. During the Special Rapporteur's visit to Sri Lanka in December 2013, he noted obstacles to durable solutions for IDPs in their lack of access to their original land, which prevented their return and their having sustainable livelihoods. He stressed that significant efforts were required to ensure that the livelihoods of IDPs were restored.[29] During his visit to Ukraine in September 2014, the Special Rapporteur was informed of the difficulty faced by IDPs in finding employment and income-generating opportunities. Some IDPs described problems with their residence registration in their places of origin, their work records which remained with former employers, and discrimination when they identified themselves as IDPs.

Goal 10: Reduce inequality within and among countries

69. IDPs frequently face gross and persistent inequality that significantly worsens their displacement and hampers their ability to integrate fully into new or host societies. Reducing inequality and discrimination within countries helps prevent displacement as well as contributing to achieving durable solutions for IDPs. Respect for the principle of equal rights ensures the well-being of IDPs. Social, economic and political inclusion of all, including IDPs, is thus key to the prevention of displacement by achieving equality within and among countries. For some ethnic, religious or national minorities, their government is the perpetrator of violence, their homes are not safe and integration into new localities may be particularly difficult.

70. IDPs frequently belong to national, ethnic or religious minorities who, due to historical, geopolitical, social and other factors, may face varying degrees of discrimination, social and economic marginalization and sometimes violence on the basis of their identity. They may be excluded or marginalized in national development programmes, even during periods of peace. During times of instability and conflict, they are vulnerable to violence and displacement by larger population groups, members of which may dominate the government, the police and military forces and other public bodies, including those with responsibility for national development goals.

71. During his follow-up visit to Kenya in May 2014, the Special Rapporteur noted that, although progress had been made in supporting durable solutions for those displaced following the post-election violence of 2007/08, significant obstacles to achieving that goal remained, most notably regarding socioeconomic and political integration. In accordance with the Guiding Principles on Internal Displacement and the IASC Framework on Durable Solutions for Internally Displaced Persons, he recalled that IDPs should be able to exercise their right to participate in public affairs at all levels and without discrimination on the basis of their displacement.

Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable

72. While IDPs living in camp settings are more visible, alternative coping mechanisms, including living with host families, are now the norm for a majority of IDPs.[30] An implicit assumption is often made that IDPs living outside camps are less in need of protection and assistance and have found solutions of their own. While host communities

[29] A/HRC/26/33/Add.4, paras. 40 and 54.

[30] See A/HRC/19/54.

may initially welcome and assist IDPs, when their stay is protracted, the strain on resources may lead to an eventual breaking point, and may require IDPs to look for alternative assistance or living arrangements, often resulting in secondary displacement. For economic, security and anonymity reasons, IDPs often move to the outskirts of cities, where they mix with the urban poor.[31] While such areas may provide better livelihood opportunities, they are often most violent or hazardous areas and IDPs are at greater risk of being displaced a second time or of facing additional human rights abuses.

73. Despite the challenges, the Special Rapporteur is of the view that a more effective and systematized management of IDPs outside camps, and more specifically of IDPs in urban areas, can improve the overall response to internal displacement, anchor it within a human rights-based approach and contribute to durable solutions. He also emphasizes the need to address the specific needs of displaced populations in urban planning and policies and to consult them in their design and implementation.

Goal 13: Take urgent action to combat climate change and its impacts

74. Changes in the environment and climate have an important impact on human mobility and are predicted to significantly increase displacement and alter its patterns.[32] In 2013 alone, some 22.4 million people were newly displaced by disasters triggered by natural events. In 2010, the Cancun Agreements expressly acknowledged "climate-induced displacement", which the Special Rapporteur addressed in his report to the General Assembly in 2011.[33] Preparedness, environmental risk assessment, mitigation and disaster risk reduction are development imperatives in the context of the challenges posed by climate change-induced displacement. The consequences of climate change, such as environmental degradation and loss of livelihood, are a driver of increased rural-to-urban migration, often to urban slums and informal settlements offering precarious living conditions. Climate change-induced displacement must be addressed in humanitarian and development terms, to alleviate immediate suffering, but also to ensure lasting, development-based solutions for affected persons that avoid the precariousness, marginalization and instability associated with protracted displacement.

Goal 16: Promote peaceful and inclusive societies for sustainable development

75. Armed conflict, generalized violence and human rights abuses are major causes of internal displacement. Indeed, internal displacement can be seen as an indicator of whether societies are peaceful and inclusive. In line with the Guiding Principles on Internal Displacement and the IASC Framework on Durable Solutions for Internally Displaced Persons, securing effective remedies for the violations of international human rights and humanitarian law which cause displacement, or which occur during displacement, can have a major impact on prospects for durable solutions for IDPs. IDPs who have been victims of violations must have full and non-discriminatory access to effective remedies and justice, including, where appropriate, access to transitional justice mechanisms and reparations. Failure to secure effective remedies may cause further displacement, impede reconciliation processes, create a prolonged sense of injustice or prejudice among IDPs and undermine the achievement of durable solutions. Securing justice for IDPs is an essential component of long-term peace and stability.[34]

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[31] See A/69/295.

[32] See A/66/285 and A/HRC/19/54/Add.1.

[33] A/66/285.

[34] *IASC Framework on Durable Solutions for Internally Displaced Persons* (see note 16), p. 43.

F. Implementing sustainable development goals for internally displaced persons at the national level

76. Clear references to IDPs should be included in the post-2015 goals and targets. While explicit references to IDPs may be lacking, many proposed goals and targets have the potential to directly or indirectly have a positive impact on IDPs at the national level. Nevertheless, it is essential to look beyond international cooperation and focus on the importance of national implementation. The report of the Open Working Group on Sustainable Development Goals states that "targets are defined as aspirational global targets, with each government setting its own national targets guided by the global level of ambition but taking into account national circumstances" (A/68/970, para. 18). National authorities are responsible for providing protection and development for all and for implementing strategies and programmes to meet internationally agreed targets and goals. Countries affected by internal displacement must set their own national targets and include IDPs in national development strategies.

77. The IASC Framework on Durable Solutions for Internally Displaced Persons points to the "need to ensure at a minimum that the necessary legal and/or policy frameworks are in place to secure the rights of IDPs, to establish effective government structures to coordinate the national and local response, to facilitate provision of humanitarian and development assistance, and to ensure that adequate funding, through national budgets as well as international aid, is allocated to support the process".[35]

78. Indicators to help to assess the implementation of the sustainable development goals at the international level are still under consideration at the time of writing. The Special Rapporteur strongly advocates the indicators to systematically address the specific situation of IDPs by mentioning them explicitly as beneficiary groups. Displacement, whether due to conflict or disaster, is truly a "global" issue, potentially affecting rich and poor countries, northern and southern States, and international indicators should consequently specifically address displacement. Equally, countries should develop their own national-level indicators, taking into account, where relevant, their actual or potential displacement situation.

G. Essential steps for the inclusion of internally displaced persons in sustainable development goals

1. National leadership, good governance and political will

79. National leadership and good governance are essential to both preventing conflict-induced displacement and appropriately responding to all displacement situations. Deficits in good governance and the rule of law frequently ignite tensions and result in conflict and displacement. Good and inclusive governance is a cornerstone of sustainable development activity at the national level and actions to appropriately address the rights of IDPs. The first essential step towards ensuring implementation of sustainable development goals for IDPs is for national governments to recognize IDPs as legitimate targets of development initiatives. If left unaddressed by development actors, displacement can generate further longer-term marginalization, inequality, fragility and vulnerability. Addressing internal displacement through a development lens has the potential to prevent further marginalization and potential secondary displacement.

[35] Ibid., p. 11.

2. Data, profiling and needs assessment

80. Official IDP figures advanced by governments tend to differ significantly from those of international agencies and non-governmental organizations due to factors that include data-gathering and registration deficiencies and, in some cases, the desire to downplay the issue and the number of people affected by internal displacement. The latter is particularly true in situations of conflict or violence and when the national authorities are complicit in a displacement situation. Deficiencies in registration procedures and reluctance of displaced persons to register due to fear, lack of information or other factors can all contribute to underestimation of the actual number of displaced persons. The Internal Displacement Monitoring Centre highlights that figures often reflect only those living in camps, while 60 per cent of IDPs are dispersed in other locations and with host families, and are often not officially counted.[36] Even when officially counted, the concerns and perceptions of IDPs are frequently not captured by official statistics and require more sophisticated data-gathering and household surveys.

3. Full and meaningful consultation with and participation of internally displaced persons

81. Efforts to ensure durable solutions and effective sustainable development programmes must involve full consultation with and the meaningful participation of IDPs. It is imperative that they not be considered simply as beneficiaries of development policies and programmes, but as full partners in the design, implementation and monitoring of such activities. IDPs have a right to full participation in decisions affecting them, and measures, including their return or relocation, should be undertaken with their full consent. Measures that do not meet those criteria violate their rights and do not constitute durable solutions. Participation of IDPs is also essential to ensuring effective accountability mechanisms.

4. Engagement of development actors on issues relating to internally displaced persons

82. National and international development actors must engage with IDPs at the earliest stages of displacement and recognize that, even in cases where early return to places of origin or integration in host communities is possible and desired, the challenges facing IDPs are likely to be considerable and complex, requiring medium and long-term development-centred solutions. It may take years to fully rebuild displacement-affected communities or to integrate them fully into new communities to the extent that they achieve conditions of full equality, access to services and participation in the economic, social and public and political aspects of society.

5. Establishment of national laws and policies on internally displaced persons

83. In December 2012, the African Union Convention for the Protection and Assistance of Internally Displaced Persons (the Kampala Convention) entered into force. The first legally binding instrument specifically for IDPs, it sets obligations for States in their responses to internal displacement and aims to "establish a legal framework for preventing internal displacement, and protecting and assisting internally displaced persons in Africa". So far, 24 African Union member States have ratified and a further 37 have signed the Convention. The Special Rapporteur reiterates his call for all African States to ratify and implement the Convention, as a key step towards ensuring durable solutions for IDPs and their inclusion in development.

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[36] Internal Displacement Monitoring Centre, *Global Overview 2014: people internally displaced by conflict and violence*.

84. While national governments have the primary responsibility towards IDPs, their responses are often ad hoc, uncoordinated and, therefore, ineffective. National laws, policies or strategies on internal displacement can assist national authorities in addressing the challenges of displacement in a planned manner, and improve short-term and long-term responses. Such national instruments may serve to clarify who is an IDP and what such a person's corollary rights are, establish budgets directed towards them and create administrative and response structures and responsibilities, as well as creating confidence amongst regional and international development partners.

85. National instruments can grant IDPs entitlements based on their situation, rights and needs, and enshrine those entitlements in laws and policy, including their right to be included in development assistance programmes as citizens or habitual residents of the State. Where possible, national instruments on internal displacement should be explicitly linked to national development documents, strategies and targets, and ideally result in dedicated national strategies and action plans for IDPs.

6. Implementation of effective governance structures

86. Appropriate and effective governance and response structures are essential from the earliest stages of displacement, but also in the medium and longer term to ensure sustained attention to IDPs. The Special Rapporteur notes that such structures are frequently absent or inadequate in practice and governments rely on existing bodies, including emergency response bodies, existing government institutions with limited technical and staffing capacity, the United Nations and national and international civil society to lead responses to displacement. This can result in a lack of specialist, targeted attention and insufficient policy and programme responses to the longer-term needs of IDPs.

87. Examples of positive governance structures include dedicated ministries, departments or units responsible for IDP issues and for ensuring that attention to IDPs is mainstreamed across relevant governmental and other bodies in areas such as education, employment, health, housing and development policy. Such bodies can work to ensure that greater attention to IDPs is paid by development actors, and should be appropriately resourced and funded. High-level leadership, for example specialist bodies under the office of the president or prime minister, can ensure that IDPs are given and maintain high priority at the national level and by development actors.

7. Addressing conflict, its causes and consequences

88. Attention to preventing and resolving conflict, and stabilizing fragile States is essential to achieving sustainable development worldwide, as well as to prevent further displacement. Poverty, exclusion and discrimination are drivers of conflict and displacement. Development initiatives should be used both as preventive measures and as early recovery and reconstruction tools to help build peaceful and inclusive societies, as well as achieve long-term stability. In conflict and post-conflict situations, protection risks, access issues and an unreliable government partner at a time when governments may be fighting for their existence may also create an environment that is not conducive to development actors' actions. Peace agreements should contain specific provisions for IDPs and for resolving internal displacement issues. Consultation with and the participation of IDPs in peace processes, peace agreements and peacebuilding are essential.[37]

[37] See The Brookings Institution-University of Bern Project on Internal Displacement, "Addressing internal displacement in peace processes, peace agreements and peace-building" (2007).

H. Mitigating the impact of development-induced displacement

89. Historically, development projects have been a major cause of displacement. Important questions relating to their impact must always be asked and the principles of informed consultation, participation and consent respected. For example, while proposed sustainable development goal 7 calls for States to ensure access to affordable, reliable, sustainable and modern energy services for all, the impact in terms of displacement of communities to make way for hydroelectric and other development projects must be taken into account. The sustainable development goals must not be achieved at the cost of forced displacement.

90. Development projects, including dams, irrigation projects, pipelines, highways, urbanization, mining, and conservation of nature, can all create displacement. The Brookings Institution report, "Risks and rights: the causes, consequences, and challenges of development-induced displacement",[38] states that it is "problematic at best, even when a State has the best interests of the entire population at heart. The effects can be catastrophic when such displacement occurs in the midst of conflict and human rights abuse, or when a State deliberately or arbitrarily targets some of its people to bear a disproportionate share of the costs of development and denies them a proper share of the benefits".

IV. Conclusions and recommendations

91. **IDPs must be an integral part of the post-2015 development agenda if it is to live up to its pledge to secure a life of dignity for all and to "leave no one behind". Many currently proposed goals and targets have the potential to have a positive impact on the situation of IDPs, either by helping to ensure durable solutions or by preventing further displacement. However, their potential will only be fulfilled if IDPs are clearly recognized as development targets, partners and beneficiaries.**

92. **Resolving internal displacement is essential for peaceful and inclusive societies for sustainable development. The post-2015 development agenda can help States achieve durable solutions for IDPs. Equally, in countries with no displacement, inclusive development policies address poverty, discrimination and exclusion and prevent conflict and displacement.**

93. **One element of the Secretary-General's call for a transformative agenda must be to transform protracted displacement situations from neglect and reliance on humanitarian assistance to durable solutions and sustainable development.**

94. **Informed by the Guiding Principles on Internal Displacement, the Kampala Convention, the IASC Framework on Durable Solutions for Internally Displaced Persons, and by his experience in dealing with situations of internal displacement worldwide, the Special Rapporteur makes the following recommendations to:**

States affected by displacement

95. **Develop national legal frameworks and policies on internal displacement, based on international law, and specifically identify and address obstacles to durable solutions for IDPs, including access to justice mechanisms; housing, land and property rights; and livelihood opportunities.**

[38] Available from www.brookings.edu/fp/projects/idp/articles/didreport.pdf.

96. **Make adequate budgetary provisions and ensure human resource capacity in all relevant ministries and local authorities to implement such legal frameworks and policies.**

97. **Ensure that IDPs are fully included as target populations and partners in policies, programmes and national action plans to implement the post-2015 sustainable development goals. Ensure the inclusion of durable solutions for IDPs in national plans for local development, poverty reduction, economic reconstruction and urban development.**

98. **Improve disaggregated data collection on, and profiling and needs assessments of, IDPs. Improve methodologies and the capacity of national statistical offices to ensure accurate data on numbers, demographic characteristics, locations and needs, while ensuring the confidentiality of data, to inform appropriate programmes and solutions, and monitor progress over time on the basis of key indicators.**

99. **Ensure national tailoring of targets to address IDPs and displacement situations and closely monitor and evaluate the impact of development programmes on IDPs including via the use of national indicators and research methodologies.**

100. **Implement livelihood programmes and vocational training to bridge the gap between the existing skills of IDPs and those required for entry into the labour market in their place of displacement to make the sustainable development goals a reality for IDPs.**

Donor States

101. **Recognize the prevention and resolution of internal displacement as an investment in development and an essential element of conflict prevention and peacebuilding.**

102. **Ensure that areas/regions where IDPs seek durable solutions attract development support, notably by ensuring regional equity in access to development assistance.**

103. **Increase the length of the funding cycle to allow actors to meet immediate and long-term needs, and consider bridging the gap in aid budgets between emergency relief and development aid to allow more comprehensive development-led responses to internal displacement.**

The international community

104. **The definition of vulnerable, marginalized and disadvantaged groups in the post-2015 development agenda must encompass IDPs which will partially ensure that as progress is being made towards achieving goals and targets, IDPs are not left behind. Under proposed sustainable development goal 16 on achieving peaceful and inclusive societies, a target for reducing the number of IDPs would ensure national and international attention to achieving durable, development-led solutions for IDPs.**

105. **Guidance on how to implement durable solutions and development programmes for IDPs should be provided by regional and international organizations, as well as technical assistance for operationalizing the IASC Framework on Durable Solutions for Internally Displaced Persons in national contexts.**

106. **International and regional development actors, development donors and others should ensure that IDPs are targeted in their country programmes, including**

through policies, strategies and funding decisions that support durable solutions and development goals.

107. **Humanitarian and development actors should systematically interact to develop solution strategies for IDPs and identify mechanisms to promote integrated approaches from the early stages of displacement.**

108. **The Kampala Convention pays the necessary attention to IDPs and provides legally binding standards and guidance on their treatment and development assistance. Other regional bodies should develop such IDP frameworks.**

109. **On the basis of agreed sustainable development goals and targets, clear and targeted indicators and data disaggregation specific to IDPs should be developed to assist States and development actors in their national implementation efforts. This means developing indicators for targets whose implementation will affect the well-being of IDPs.**

110. **The United Nations system, international development actors and non-governmental organizations should monitor, by country, region or globally, the impact of the implementation of the sustainable development goals on the situation of IDPs.**

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani

Addendum

Follow-up mission to Azerbaijan* **

Summary

The Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, conducted an official mission to Azerbaijan from 19 to 24 May 2014 at the invitation of the Government and as mandated by the Human Rights Council in its resolution 23/8. The objective of the visit was to examine the human rights situation of internally displaced persons in the country since the last assessment made in 2010 by the previous mandate holder.

The Government of Azerbaijan has made commendable progress in providing durable housing for internally displaced persons, especially with the construction of new settlements that are all equipped with modern facilities. Continued efforts to provide similar housing to those still living in the collective centres visited are still necessary, in the context of a rights-based development approach to address the situation of all internally displaced persons in and outside settlements. Moreover, the Special Rapporteur emphasizes the abiding need to find durable solutions to the protracted situation of internally displaced persons in Azerbaijan.

* The summary of the present report is circulated in all official languages. The report itself, contained in the annex, is circulated in the language of submission only.

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In Azerbaijan, one of the main obstacles encountered in the search for durable solutions for internally displaced persons, including return to their homes or places of origin, remains the absence of a political settlement to the unresolved armed conflict in and around the Nagorno-Karabakh region.[1] Azerbaijan. In this connection, the Special Rapporteur calls upon all the parties concerned to step up efforts towards reaching a political settlement that would enable durable solutions, including return, from a combined humanitarian and development perspective, and take all the necessary measures to ensure that all internally displaced persons can exercise their right to make a free and informed decision as to whether to return voluntarily to their homes or places of habitual residence in safety and dignity, to integrate locally or to resettle elsewhere in the country.

[1] All references to the territories in and around the Nagorno-Karabakh region in the present document should be understood to be in full compliance with General Assembly resolution 62/243 of 14 March 2008. The resolution reaffirmed, in paragraph 1, "continued respect and support for the sovereignty and territorial integrity of the Republic of Azerbaijan within its internationally recognized borders".

Annex

Report of the Special Rapporteur on the human rights of internally displaced persons on his follow-up mission to Azerbaijan (19–24 May 2014)

[*English only*]

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I. Introduction

1. In accordance with his mandate contained in Human Rights Council resolution 23/8 and at the invitation of the Government of Azerbaijan, the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, conducted an official follow-up visit to Azerbaijan from 19 to 24 May 2014. The objective of the visit was to follow up on the visits conducted by his predecessors, the Representative of the Secretary-General on internally displaced persons, Francis Deng, in 1998 and the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, in 2007 and 2010.

2. The Special Rapporteur met with the Deputy Prime Minister and Head of the State Committee for Refugees and Internally Displaced Persons; the Minister of Health; the Deputy Minister for Foreign Affairs, the Deputy Minister of Economy and Industry, the Deputy Minister of Labour and Social Protection, and the Deputy Minister of Education. He also met with the Deputy Chairman of the Parliament, the Chairman of the Social Policy Committee and the Chairperson of the Human Rights Committee of the Parliament. The Special Rapporteur further met with the Deputy President of the State Oil Fund and held meetings with the Ombudsman of Azerbaijan, representatives of the international community and non-governmental organizations.

3. During his week-long mission, the Special Rapporteur visited locations where internally displaced persons (IDPs) live in the western district of Agdam, in new settlements in the Binagadi district of Baku and the Masazir settlement in the Absheron district.

4. The Special Rapporteur expresses his sincere gratitude to the Government of Azerbaijan for its full cooperation during his visit. He is also grateful to all his interlocutors, especially IDPs who kindly shared their experiences and different perspectives with him. He looks forward to a fruitful and continued dialogue with the Government and other stakeholders on the implementation of the recommendations contained in the present report.

5. The Special Rapporteur would like to sincerely thank the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Office of the United Nations High Commissioner for Refugees (UNHCR) for ably coordinating his visit to Azerbaijan. He is grateful for all the logistical, administrative and substantive support he received, which facilitated the conduct of the visit. He would also like to thank the United Nations Resident Coordinator and the United Nations country team for their support and cooperation.

6. Durable solutions should be regarded inclusively as options available to all IDPs. A humanitarian and development approach to achieving durable solutions requires that they be delinked from the political issues concerning the Nagorno-Karabakh region.[2] However, the Special Rapporteur considers that the full restoration of the human rights of IDPs by means of durable solutions requires first and foremost a resolution to the outstanding peace negotiations relating to the armed conflict in and around the Nagorno-Karabakh region. Following his mission, the Special Rapporteur was privileged to address the Security Council in the framework of an "Arria formula" meeting in which he conveyed important messages calling for the implementation by the Minsk Process of Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993). The General Assembly has passed resolutions relating to the conflict in and around the Nagorno-Karabakh region,

[2] Any reference to the Nagorno-Karabakh region is understood to be in compliance with General Assembly resolution 62/243.

notably resolutions 48/114 (1993), 60/285 (2006) and 62/243 (2008). The Special Rapporteur calls upon all parties to take all the necessary measures to ensure that all IDPs can exercise their right to make a free and informed decision as to whether to return voluntarily to their homes or places of habitual residence in safety and dignity, to integrate locally or to resettle elsewhere in the country.

II. Current situation of internal displacement in Azerbaijan

7. The phenomenon of internal displacement in Azerbaijan has been addressed in previous reports by this mandate (see E/CN.4/1999/79/Add.1, A/HRC/8/6/Add.2 and A/HRC/16/43/Add.2). The situation of IDPs in Azerbaijan remains a consequence of the country's unresolved armed conflict in and around the Nagorno-Karabakh region.

8. According to the Government of Azerbaijan, there were 609,029 IDPs as at the end of 2013, predominantly former residents of the Nagorno Karabakh and the seven surrounding territories, who have been displaced since the armed conflict in and around the Nagorno-Karabakh region which ended with the 1994 ceasefire, which to date is still in place. About 50 per cent of IDPs live in the urban areas of Baku and Sumgayit. The IDP population has grown and is expected to continue rising given the protracted situation of internal displacement. For example, in Agdam district, where the Special Rapporteur met with IDPs, the official figures refer to a total number of 145,000 IDPs out of the 190,000 inhabitants of that district.

III. Framework for the protection and assistance of internally displaced persons

A. Domestic response

9. The Special Rapporteur notes that there is an effective humanitarian response to internal displacement in Azerbaijan. The Government confirmed that in the past 20 years a total of US$ 5.5 billion has been allocated for the assistance of IDPs. Out of that figure, US$ 2.5 billion comes from the State budget, US$ 1.9 billion from the State Oil Fund and US$ 1.1 billion are contributions made by international financial institutions and humanitarian organizations present in the country.

10. The body of legislation put in place by the Government to address internal displacement has essentially remained the same since the previous visits of the Special Rapporteur's predecessors. According to the Government, a total of 95 orders and decrees were signed by the President, 357 resolutions and decrees were approved by the Cabinet of Ministers and 33 laws were adopted by the National Parliament, including the 1998 Law on Citizenship, the 1999 laws on the status of refugees and IDPs and on social protection of IDPs and persons equated to them, Presidential Decree No. 895 of 17 September 1998 on the State programme on solutions to problems of refugees and IDPs, Decree No. 298 of 1 July 2004 on the State Programme for improvement of living conditions and increasing employment for refugees and IDPs, Decrees No. 2475 of 31 October 2007 and No. 1346 of 21 February 2011 on the Annexes to the State Programme on improvement of living conditions and increasing employment opportunities have been approved to date. In addition, following his visit, the Special Rapporteur's attention was drawn to the State Programme on poverty reduction and sustainable development in the Republic of Azerbaijan for 2008–2015, approved by Decree No. 3043 of 15 September 2008 by the President of Azerbaijan; State Programme on implementation of the employment strategy of the Republic of Azerbaijan in 2011–2015, approved by Decree No. 1836 of 15 November 2011 by the President; State Programme on socioeconomic development of

regions of the Republic of Azerbaijan in 2014–2018, approved by Decree No. 118 of the President on 27 February 2014.

11. The State Programme was amended again in 2011 to include additional support for IDPs, and a revised programme for 2015–2020 is under preparation. The Special Rapporteur views those developments as proving an ideal opportunity to consult IDPs, assess their needs for durable solutions and ensure that the most vulnerable are prioritized. A needs-based profiling assessment would prepare the ground for durable solutions, including the master return plan, and reveal the extent to which IDPs still have needs relating to their displacement in order to tailor solutions accordingly under the next programme. Findings from such a profiling and needs assessment exercise would also be relevant to priority-setting and implementation of the development frameworks beyond 2015 of the Government and the United Nations.

12. The Special Rapporteur observes that comprehensive legislation addressing all human rights of IDPs and durable solutions has yet to be adopted or consolidated. For instance, the 1999 legislation on forcibly displaced people must be brought into line with the Guiding Principles on Internal Displacement. The causes of displacement should include human rights violations, generalized violence and natural and human-made disasters. At present, persons internally displaced by disasters are not registered as IDPs and are therefore not eligible for the benefits set out in the 1999 legislation. Separate laws and policies dedicated to displacement caused by disasters are therefore required to ensure a comprehensive approach overall.

B. International response

13. There has been a steady decline in international humanitarian engagement in Azerbaijan, as the country has experienced substantial oil-driven growth that has enabled it to become an aid donor itself.

14. United Nations agencies and international organizations have found it increasingly difficult to secure humanitarian funding, but several continue to work with IDPs. Those include both humanitarian and development stakeholders that the Special Rapporteur met during his mission, such as the International Committee of the Red Cross, the International Organization for Migration, UNHCR, the United Nations Children's Fund, the United Nations Population Fund (UNFPA), the World Health Organization and the World Bank, and also Oxfam and World Vision.[3]

15. Despite constraints on its budget, UNHCR undertook its largest participatory assessment in the country to date in 2013, interviewing around 1,600 IDPs and 150 of their local community neighbours. Although this was the most extensive and largest consultation ever undertaken by UNHCR, the findings might not be fully representative of the entire and very diverse IDP population as the 1,600 IDPs to whom UNHCR was able to reach out only represent some 0.26 per cent of the total IDP population in Azerbaijan. In addition to standard questions on protection risks, the assessment included others on the development priorities and challenges of IDPs. The assessment's findings informed United Nations-facilitated national consultations with the citizens of Azerbaijan for the country's post-2015

[3] According to information provided by World Vision, that non-governmental organization has two projects targeting IDPs, one relates to disaster risk reduction awareness among children in Agjebedi district and the other project, called "Sheki-Zakatala Development Model Project", aims to support integrated and sustainable entrepreneurship development in six districts of the Sheki-Zaqatala economic region.

sustainable development framework, which is aligned with the Government's strategy "Azerbaijan 2020: the vision of the future".[4]

16. In 2011, the World Bank launched a US$ 78.5 million project to improve economic self-reliance and living conditions of IDPs in more than 60 collective centres. Given that, with the exception of the International Committee of the Red Cross, international agencies rely on local non-governmental organizations as implementing partners, the establishment of an operating environment more conducive to their work is particularly important.

17. Increasing access to quality reproductive health services for women, men and young people paying particular attention to the needs of vulnerable populations has been among the key priorities of the United Nations Population Fund. Special attention is given to improving national mechanisms for gender equality, women's empowerment and prevention of gender-based violence.[5]

18. Intergovernmental organizations continue to focus on conflict resolution. The Organization for Security and Cooperation in Europe and the co-chairs of its Minsk Group — France, the Russian Federation and the United States of America — have conducted more than two decades of diplomacy, but a resolution to the conflict and the achievement of durable solutions to displacement remain elusive. The former European Union Special Representative for the South Caucasus visited Azerbaijan in mid-2013 and pressed for confidence-building measures. The Special Rapporteur encourages the new Special Representative, appointed on 8 July 2014, to meet with IDPs and enable them to engage in peace and reconciliation efforts as well as confidence-building measures.

19. The Special Rapporteur considers that to achieve durable solutions in Azerbaijan effectively, it is necessary for the international community to engage and coordinate with a wide range of national and international actors, including the Government, neighbouring States, development, humanitarian, human rights and peacebuilding organizations, donors and the private sector.

20. Given the protracted nature of displacement and the need for a firm evidence-based approach to durable solutions, the data collected during the latest UNHCR participatory assessment (2013) are an important basis from which to develop a policy for local integration of IDPs as a transitional solution pending the establishment of conditions which would allow those IDPs wishing to return to the Nagorno-Karabakh region to do so in accordance with Guiding Principle28.[6] The data could be used to design a larger scale IDP profiling exercise to determine appropriate durable solutions following the criteria set out in the Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for Internally Displaced Persons.

IV. Specific rights and issues of concern for internally displaced persons

A. Right to an adequate standard of living

21. Under principle 18 of the Guiding Principles on Internal Displacement, all IDPs have the right to an adequate standard of living. At a minimum that right includes basic shelter and housing. The Government has taken positive steps to meet the housing needs of IDPs. From 2001 to 2013, 82 temporary settlements with sociotechnical infrastructure were

[4] See UNHCR, "Being an IDP in Azerbaijan", report from a participatory assessment with IDPs in Azerbaijan (Baku, June 2013), p. 8.

[5] See UNFPA, Country Programme Action Plan 2011–2015.

[6] Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2).

constructed, benefiting 40,000 families, i.e. 180,000 IDPs. In addition, 139 secondary schools, 6 music schools, 51 kindergartens, 55 medical facilities, 45 cultural centres and 2 Olympic sports complexes were constructed; 648 km of road, 815 km of water pipeline, 1,412 km of overhead power, 333 km of gas pipes were built; 715 different capacity power transformers were installed in those new settlements. For instance, the Government reports that 760 families or 3,800 IDPs live in the newly built settlement of Masazir in Absheron district which the Special Rapporteur visited during his mission. From the point of view of IDPs, the considerable amount of government funding devoted to the construction of new settlements and facilities is strongly appreciated, as noted by the Special Rapporteur during his visit.

22. The Special Rapporteur noted other improvements since the last mission of his predecessor. For instance, tent camps and the most severe cases of inadequate housing such as railway wagons had been closed and the IDPs concerned had been resettled in newly constructed government settlements. On the other hand, the Special Rapporteur observed that some IDPs continued to live in dormitories. In total, there are 268 dormitories across the country. In Binagadi district that the Special Rapporteur visited, there were still 48 dormitories where IDPs live in precarious conditions that need improving to reach the same standard as the new settlements.

23. Problems also exist in a number of new IDP settlements located in isolated areas, a long distance from essential services, employment opportunities and administrative authorities, and in a few cases very close to the front line. That not only creates a sense of physical insecurity and isolation for IDPs from the local population, but also affects the ability of IDPs to become self-reliant. It is important that livelihood opportunities are planned and created as part of the new settlements.

24. Housing arrangements for IDPs in the new settlements are of a temporary nature and housing is provided on a free cost basis as IDPs are treated as "guests" pending implementation of the "Great Return" master plan. Those measures are no doubt welcome and have gone a long way to improve the well-being of IDPs. While IDPs enjoy privileged housing, they have no rights of ownership because return to their original homes or places of habitual residence is the durable solution predicated. Indeed all the IDPs that the Special Rapporteur met with expressed the desire to return to the Nagorno-Karabakh region. As mentioned above, the Special Rapporteur advises that all durable solutions are options open to IDPs in keeping with the IASC Framework on Durable Solutions for Internally Displaced Persons.

25. According to principle 28, paragraph 2, of the Guiding Principles on Internal Displacement, "special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration". The findings of the recent UNHCR participatory assessment indicate that both the IDPs who had moved to new settlements and those who were waiting to be moved stated that they had not been consulted about their needs and wishes in the process.[7] The Special Rapporteur strongly encourages the Government to expand and broaden consultations to ensure that all IDPs, in particular women, are better informed, consulted and involved in the development and implementation of resettlement plans as the Government speeds up its efforts to construct and allocate new units for the most vulnerable IDPs.

[7] See UNHCR, "Being an IDP in Azerbaijan" (footnote 4), pp. 16–17.

B. Employment and livelihood opportunities

26. In Azerbaijan IDPs are an increasingly diverse group in terms of income, social mobility and the degree to which they have integrated into the larger society. Conditions are particularly difficult in rural areas, where seasonal agricultural work is one of the few occupations available.

27. IDPs overall display lower employment rates and higher work inactivity rates than those who have not been displaced. According to the World Bank, the poverty rate among IDPs in 2008 was 25 per cent compared to 20.1 per cent among the ordinarily resident population; 42.5 per cent of IDPs lived in one-room accommodation compared to only 9.1 per cent of non-IDPs; IDP families had an average of 36 square metres of living space compared to 74 square metres for local families; rates of access to electricity, hot water and bathrooms were worse among the displaced than others; the employment rate among IDPs was 40.1 per cent compared to 57.4 per cent among the ordinarily resident population; and the work inactivity rate among IDPs was 54.3 per cent compared to 36.2 per cent among those who were not IDPs.[8]

28. The lack of available jobs in areas where IDPs live and their lack of social connections to secure appointments stem from and contribute to the marginalization of IDPs. That marginalization may be linked to the location of some of those IDP settlements, which remain disconnected from neighbouring communities.[9]

29. In addition, a distinct characteristic of protracted displacement in Azerbaijan relates to the fact that a whole generation of the internally displaced youth has only known a life of displacement and is being brought up with the message and prospect of returning to its place of origin. Young persons thus inherit the legacy of their parents, bound to their place of origin in view of what is considered the temporary nature of the settlements for IDPs. That may be a crucial factor in the dislocation and disruption of the capacity of young IDPs to become self-reliant in places of displacement.

30. As confirmed by a number of stakeholders that the Special Rapporteur met during his mission, the dependency syndrome engendered among IDPs persists, which the Special Rapporteur's predecessor had noticed during his previous visit. That seems to be due to a combination of factors such as regarding the situation of IDPs as being temporary, the high social protection which does not encourage them to become self-reliant and livelihood activities which are too low income to ensure self-sustainability.

31. The Special Rapporteur commends the efforts made by the Government to reduce the gap between IDPs and the habitually resident population. During his visit, he was informed by the Government that 161,000 persons out of 380,000 able-bodied IDPs had been provided with permanent employment in budget organizations and other areas and 200,000 persons had been provided with temporary employment as a result of the actions undertaken in that respect. Currently unemployed IDPs, who used to work in enterprises and organizations funded from the State budget and who lost their jobs owing to displacement, have continued to receive an average monthly salary since May 1994. That involves a total of 11,000 IDPs.

32. The Government informed the Special Rapporteur that in 2013, 1,713 IDPs, including 750 persons residing in compact areas, were provided with employment by the State Employment Service under the Ministry of Labour and Social Protection, 340 were provided with an unemployment allowance, 405 were involved in vocational training and

[8] See World Bank, *Azerbaijan—Building Assets and Promoting Self Reliance: The Livelihoods of Internally Displaced Persons* (October 2011), p. 9.

[9] Ibid.

197 persons were engaged in public works based upon current requirements of the job market.

33. In the past 10 years, 18,426 displaced persons have been provided with employment by the State Employment Service under the Ministry of Labour and Social Protection, 4,691 persons were provided with an unemployment allowance, 3,608 persons were involved in vocational training courses and 2,454 persons were engaged in public works on a paid basis.

34. During the Special Rapporteur's visit, government officials informed him that within the framework of the National Fund for Entrepreneurship Support (under the Ministry of Economy and Industry) preferential loans amounting to AZN 26.5 million[10] had been allocated to 1,200 IDPs for funding entrepreneurship investment projects in the past 10 years; in addition, preferential loans in the amount of AZN 15.9 million[11] had been allocated for funding six investment projects involving new technologies. Microcredits in the amount of AZN 7.7 million[12] were extended to 10,800 IDPs in various districts and cities of Azerbaijan by the Social Development Fund of IDPs within the framework of a loan agreement between the World Bank and the Government (IDP Living Standards and Livelihoods Project). In addition, 520 various types of community microprojects, benefiting 310,000 persons, 83 per cent of whom were IDPs, and valued at AZN 30 million,[13] had been implemented in the past 10 years by the Fund.

35. During his mission, the Special Rapporteur was informed that insecurity added to the difficulties that people living along the Line of Contact faced in accessing their land for livelihoods. Around 128,000 persons, both local inhabitants and IDPs, live within five kilometres of the Line of Contact. With virtually no local employment nor income-generating opportunities, most depend on subsistence farming, but their livelihoods are undermined, either because their land is adversely occupied or because it is too close to the Line of Contact. The Azerbaijan National Agency for Mine Awareness continues to clear landmines and run public information campaigns, and the Azerbaijan Reconstruction and Rehabilitation Agency as well as the International Committee of the Red Cross have built protective walls and redesigned homes to shield the most exposed residents from stray bullets. Despite those efforts, residents continue to struggle to access and earn an income from their land.[14]

C. Social security

36. Social security for IDPs is overseen by the State Committee for Refugees and IDPs. Irrespective of their temporary residence, all IDPs enjoy social protection envisaged for them in accordance with national legislation. They are exempted from service fees such as electricity, natural gas and drinking water and those expenditures are settled by the State directly to the service entities. Moreover, effective from August 2013, the amount of funding allocated to the monthly bread allowance was increased to AZN 18.1 (equal to US$ 23) per person/month. Those allowances are paid into bank accounts. During the autumn-winter season, late in the year, IDPs temporarily settled in cities and regions

[10] US$ 25.3 million as at 18 March 2015.

[11] US$ 15.2 million as at 18 March 2015.

[12] Almost US$ 10 million as at 21 August 2014.

[13] US$ 38 million as at 21 August 2014.

[14] See Internal Displacement Monitoring Centre, "Azerbaijan: After more than 20 years, IDPs still urgently need policies to support full integration" (March 2014), available from www.internal-displacement.org/europe-the-caucasus-and-central-asia/azerbaijan/2014/azerbaijan-after-more-than-20-years-idps-still-urgently-need-policies-to-support-full-integration/.

without a constant natural gas supply are provided with 40 litres of kerosene oil each month.

37. IDPs are also exempted from a number of taxes and fees including fees for the issuance of their identity cards; or for submitting court applications; or for their State license plates and driver's licence. They also benefit from reduced taxation including for income taxes.

D. Right to education[15]

38. By virtue of the Presidential Decree of 4 August 2003, the number of IDPs receiving paid education is higher than the general population. In addition, the Presidential Decree of 14 September 2011 provides that, starting from the 2011/2012 academic year, tuition fees are covered by the State budget for all IDPs admitted to bachelor and master educational degrees at State universities on a paid basis. The Government continues to exempt all IDPs from paying for secondary school textbooks. The Special Rapporteur notes that, although instruction at State universities is free for IDPs who pass the entrance exams, not all are able to afford the living costs, and it is not very easy for some IDPs to obtain access into reputable institutions.

39. The Special Rapporteur notes that there continues to be a lack of sufficient data collected on IDP access to education. As also pointed out by UNHCR in its recent participatory assessment, no comprehensive information exists on the level and quality of education, the literacy rate among IDPs compared to the general population, access to equipment and enrolment rates. Such data should be compiled to assess statistically the extent and quality of education offered to IDPs.

40. During his visit, the Special Rapporteur also noted that IDPs in larger communities are still offered education separately from the rest of the population. Their parents are given the choice between sending their children to mainstream schools or institutions specifically for IDPs. The curricula are identical and in some places classes are taught in the same building. Around 60 per cent of IDP children are educated separately.[16]

41. The Government's rationale for segregated schooling is that it helps children to adapt to their displacement and to maintain the social fabric of displaced communities, which in turn will make reintegration easier when they return.[17] During his visit, the Special Rapporteur heard concurring voices according to which many IDPs value and wish to retain both their status and separate schooling, so that their children can understand their heritage and because they find teachers in schools for IDPs more attentive and collaborative.

42. The Special Rapporteur cautions, however, against prolonged segregation which is not in the best interests of the child and the society as a whole. Special measures for separate education may be necessary for logistical reasons in the immediate aftermath of displacement, but the justification weakens as displacement continues, even if parents support the practice. Segregation reinforces IDP stigmatization and their isolation from the broader community and encourages nostalgia for the past, hampering their integration and adding to their precarious social position. Encouraging mixed schooling with local children, as recommended by a number of United Nations bodies[18] as well as by stakeholders met during the mission, speeds up the integration of IDP children and their parents.

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[15] Guiding Principles on Internal Displacement, principle 23.

[16] See footnote 14.

[17] Ibid.

[18] See, for example, concluding observations of the Committee on the Elimination of Racial Discrimination on Azerbaijan (CERD/C/AZE/CO/6 of 7 September 2009), para. 5.

E. Right to health

43. Health services are extended to IDPs in the area of their temporary residence. There are 326 health facilities in the districts occupied by IDPs, served by 700 physicians and 2,300 nurses. The drive to meet health needs is encouraging.

44. Difficulties remain for IDPs in accessing health services owing to the limited availability of services and supplies in their communities; demands for unofficial payment and the often poor quality of the services offered were cited. It was considered particularly difficult to access health care for serious medical conditions as well as mental health problems and reproductive health needs. When visiting certain settlements, even new ones, the Special Rapporteur indeed noticed the lack of a systematic approach with regard to IDP access to health care. Very often, mobile clinics cover specific areas and inside settlements, only a small facility is available, sometimes without any practitioner present on a regular basis. The findings of the UNHCR participatory assessment indicate that, while those obstacles to adequate health care may be similar to problems faced by many of the non-displaced Azerbaijanis, IDPs generally are more vulnerable to health risks, mainly owing to a combination of poor economic conditions and their current and past experiences as IDPs. Adversely, the negative impact of poor health on the general economic and psychosocial situation of IDPs is often more substantial for them than for the general population.[19]

45. According to the above-mentioned UNHCR participatory assessment, mental health problems and psychological stress were reported to be relatively common amongst IDPs. However, those suffering from mental health issues generally did not receive any treatment. In most locations, IDPs reported that they did not have access to specialist services such as psychologists. The youth and young women in particular felt that they were in need of somebody to talk to about their concerns, especially as they found some issues too sensitive to be discussed with family members.

46. The Special Rapporteur notes that, despite the authorities' efforts to develop an action plan, the recommendations of the mental health assessment performed by the World Health Organization should be implemented fully with concrete actions to ensure more comprehensive health services, including in the area of mental health, and increased deployment of qualified medical staff to rural areas.

47. In close partnership with local academia, regional authorities and international experts, the United Nations Children's Fund designed a project to initiate a system change in addressing the psychosocial needs of internally displaced adolescents and youth, investing in school psychologists' capacity in Line of Contact districts to provide adequate counselling services, and establishing psychological supervision. The study reveals a high dependency syndrome among IDP youth who, inter alia, have lost hope of finding a job owing to the uncertainty over their future.[20]

48. Limited access to reproductive health services is a matter that has to be addressed urgently on the basis of principle 19, paragraph 2, of the Guiding Principles on Internal Displacement, by which special attention should paid to the health needs of women, including access to female care providers and services, such as reproductive health care. Female IDPs generally have limited access to maternal and newborn health services (either due to distance or to cost expenses).[21] A related issue which needs to be dealt with is the lack of information about family planning amongst IDP communities. The UNHCR findings indicate that abortions were considered to be widespread and while it was difficult for some women and most men to talk about those sensitive issues, all the women who

[19] See UNHCR, "Being an IDP in Azerbaijan" (footnote 4), p. 6.

[20] UNICEF Annual Report 2013: Azerbaijan, p. 14.

[21] See UNHCR, "Being an IDP in Azerbaijan" (footnote 4 above), p. 47.

reported on it stated that abortions were the only form of birth control about which they knew and to which they had access.[22]

F. Freedom of movement, registration and assistance

49. The system of registration and assistance to IDPs has implications for their freedom of movement and choice of place of residence. Monthly allowances and other assistance for IDPs, including new housing, are dependent on their continued presence at their government-registered address. By linking the provision of assistance to the registered addresses of IDPs, the Government aims to maintain displaced communities together so that they can reintegrate more easily upon return. At the same time, however, those measures have a restrictive effect on the freedom of movement and choice of residence of IDPs. In its participatory assessment, UNHCR noted that many IDPs reported that they felt that their freedom of movement was restricted, in particular because access to assistance and free housing tied them to their registered residence and thus hindered them from moving to search for employment elsewhere.[23] Under principle 14 of the Guiding Principles on Internal Displacement, every IDP has the right to liberty of movement and freedom to choose his or her residence. The registration and assistance of IDPs should be guided and informed by that principle rather than restricting it.

G. Participation in public and political life

50. On the one hand, IDPs have full rights to participate in parliamentary and presidential elections. Administrative structures from in and around Nagorno-Karabakh were retained and moved to areas of high concentration of IDPs. There are currently 11 deputies from Nagorno-Karabakh and seven from territories around Nagorno-Karabakh in the Parliament (which comprises a total of 125 members).[24]

51. On the other hand, IDPs cannot vote in municipal council elections where they currently reside, thus decreasing their ability to affect local decision-making. Nor can they stand as candidates in municipal elections in their areas of displacement. However, IDPs can run as candidates and vote in municipal elections, but only in their areas of origin. In those areas, local councils were suspended after the armed conflict in and around Nagorno-Karabakh. Nevertheless, the Government maintains constituencies in IDP areas of origin, in readiness for the time when the return of IDPs will become possible. Some IDPs themselves prefer that arrangement as part of their desire to preserve the cohesion of their community and retain a separate voice in Parliament from other communities in their places of displacement.

52. According to principle 22, paragraph 1 (d), of the Guiding Principles on Internal Displacement, IDPs have the right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise that right. The Special Rapporteur considers this right to be essential in that it enables IDPs to participate in, and have influence on local politics and to campaign on local issues they deem important on equal terms with other citizens. Their inability to take part in local politics limits their participation in, and access to local self-governance and decision-making.

[22] Ibid.

[23] Ibid., p. 7.

[24] International Crisis Group, "Tackling Azerbaijan's IDP burden", Europe Briefing No. 67 (February 2012), p. 7.

53. As emphasized by his predecessor, the Special Rapporteur reiterates the need to increase initiatives and promote mechanisms to engage IDPs in consultative and participatory processes on issues affecting them (A/HRC/16/43, para. 25).

H. Specific needs

Internally displaced women

54. Public engagement to promote gender equality in all spheres including education, housing, the right to vote and livelihood opportunities is reassuring. However, in practice, women's participation remains limited. The Special Rapporteur encourages the Government to continue programmes aimed at strengthening such participation including entrepreneurship programmes launched in partnership with the European Union.[25]

55. On her mission to Azerbaijan in December 2013, the Special Rapporteur on violence against women, its causes and consequences reported that internally displaced women experienced higher rates of intimate partner violence than their counterparts in the general population (A/HCR/16/43/Add.2, para. 8).

56. In addition, women's access to employment, their participation in public life and decision-making, and their access to reproductive health services remain a concern as noted in the section on the right to health above. Men are generally considered as the main breadwinners in IDP communities and in general internally displaced women are reported not to take part in income-generating activities. The main reason cited is the need for women to stay at home and take care of their children. Adult women stated that men generally decided on the use of family resources and some women felt that that contributed further to their marginalization and isolation from economic and social life.[26]

57. Women's access to health care, and in particular to reproductive health care, has already been urgently called for above. Related is the issue of family planning. Concern for the latter was raised with the Special Rapporteur by UNFPA as well as UNHCR. According to the UNHCR participatory assessment, in all locations visited, limited access to both reproductive health services and information about reproductive health issues was raised by all groups of females between 14 and 60 years old as well as some of the younger men (18–24, 25–39). In addition, internally displaced women in rural areas usually have to travel far to give birth owing to a lack of maternal care facilities nearby. All women interviewed also mentioned that abortion was the only form of birth control.[27] Abortion must not be a form of birth control; it carries risks for the health, and especially the reproductive health, of women and their psychological well-being. Adequate provision has to be made for family planning and reproductive health care for women and men.

58. The Special Rapporteur adds his voice to those of the Committee on the Elimination of Discrimination against Women (CEDAW/C/AZE/CO/4, para. 38) and the Special Rapporteur on violence against women[28] and encourages the Government to implement measures to improve access to education, employment and health and reproductive health care for internally displaced women and girls, and to consult them on their specific needs and all processes that affect them. All the necessary measures should be taken to increase women's self-reliance, the quality of their well-being and family life and their contribution to the welfare of their communities.

[25] Information provided by the Deputy Minister of Economy and Industry to the Special Rapporteur during his visit.

[26] UNHCR, "Being an IDP in Azerbaijan" (see footnote 4), pp. 21–22.

[27] Ibid., p. 47.

[28] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14065&LangID=E (accessed on 9 April 2014).

Internally displaced children

59. The Special Rapporteur notes that since his predecessor's last visit, discrimination between children of internally displaced women and internally displaced men has remained an issue. A child whose father is registered, but whose mother is not, is eligible to be registered as an IDP and is entitled to the benefits that registration affords. The same is true of the children of divorced, widowed and unmarried women who are registered as IDPs. However, a child whose mother is registered, but whose father is not, is not eligible.[29] The result is that internally displaced children are treated differently based on whether their father has been registered or not.

60. The Government says its stance is based on the fact that when internally displaced women marry, they move to and are registered at their husband's residence, as are their children. Men who have not been displaced have property and housing, meaning that their children do not need to be registered as IDPs. Children born to men with IDP registration are registered at their father's place of origin. In fact that practice entrenches male patriarchy and the Special Rapporteur recommends that to avoid such discrimination registration and treatment of IDP children should be granted according to their needs.

IDPs with disabilities and others with special needs

61. IDPs with disabilities, older persons and those with other special needs often face particular challenges owing to their condition. While they are included in national programmes, there are few targeted measures to identify and respond to their particular situations. United Nations treaty bodies (the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination in particular) have recommended that the Government ensure timely consultations with IDPs on its plans for them, with channels for their voices to be heard and particular attention to women's participation.

V. Search for durable solutions for internally displaced persons

62. Achieving a durable solution enables IDPs to resume their normal life. Principles 28–30 of the Guiding Principles on Internal Displacement make provision for durable solutions and the IASC Framework on Durable Solutions for Internally Displaced Persons provides guidance on how to achieve durable solutions, which is often a complex process. Solutions can only be considered to be "durable" if they are sustainable and a number of conditions are fulfilled, including enjoyment by the persons concerned of the protection of the State of nationality (for citizens) or residence; the voluntariness of the decision to return, integrate locally, or settle elsewhere within a country; the prevalence of safety and security in areas of settlement or return; real prospects for restitution of or compensation for lost property; non-discrimination in the enjoyment of rights and equal access to public services and economic opportunities.[30]

63. In the current context, which has remained unchanged since the visit of the Special Rapporteur's predecessor in 2010, the prospect of return as a durable solution for IDPs in Azerbaijan who wish to return to their homes or places of habitual residence remains remote, pending the "Great Return Programme". The Special Rapporteur therefore encourages dialogue on the Programme and urges the international community and all parties to work towards reaching a peace settlement regarding the unresolved armed conflict in and around the Nagorno-Karabakh region, with the aim of fully restoring the

[29] Internal Displacement Monitoring Centre, "Azerbaijan", p. 8.

[30] See UNHCR, Global Protection Cluster Working Group, *Handbook for the Protection of Internally Displaced Persons* (June 2010) (www.unhcr.org/4c2355229.html).

human rights of IDPs in Azerbaijan, in particular their right to voluntary return in safety and dignity, if they so wish. He calls on the international community's support to achieve that goal,[31] while keeping open local integration and settlement elsewhere in the country as options for those IDPs who may wish to choose those as durable solutions for themselves.

64. During the Special Rapporteur's visit, State officials extensively referred to the Great Return Programme announced by the Government as of 2005 and which was to assert the principle of voluntary return in the context of an eventual settlement of the armed conflict in and around the Nagorno-Karabakh region. The Special Rapporteur is under the impression that the plan is yet to be made public and shared with relevant stakeholders including United Nations agencies in the country. The Special Rapporteur encourages the Government to make the plan public and to use the expertise of development organizations and United Nations agencies to establish conditions of normality that would allow IDPs to return voluntarily and in safety and dignity. There are complex issues about addressing property issues, ensuring the issuance of demining certificates, increasing the capacity of relevant actors (A/HRC/16/43/Add.2, para. 65), building all other necessary infrastructure and facilitating the coexistence in a spirit of reconciliation between returning IDPs and the communities living in and around the Nagorno-Karabakh region. The Special Rapporteur reiterates his offer to provide his expertise and he remains available should the Government wish to consult him on the content of the Programme. The Government mentioned that the Programme included a transition period of three years during which IDPs would continue to receive social allowances and incentives to help them reintegrate and start new livelihood opportunities.

65. While most IDPs and representatives of IDPs that the Special Rapporteur met during his visit did indeed mention return to their place of origin as the best option for a durable solution, that does not provide sufficient grounds to conclude that all IDPs wish to return to their place of origin. The Special Rapporteur therefore insists that all durable solutions should remain as options open to IDPs and that, as already recommended by his predecessor, a comprehensive survey of intent of all IDPs be carried out to fully determine their intent and which option would be most suitable for each of them. In that regard, the Special Rapporteur insists that while the Government's preference remains the return of IDPs to their place of origin, that preference does not absolve the Government from the obligation to ensure the self-reliance of IDPs and the possibility for them to integrate locally if they so wish.

66. In line with his predecessor's recommendation, the Special Rapporteur insists on a comprehensive needs assessment to differentiate between the levels of need of the persons who have been displaced for the past 20 years. Not all IDPs have the same needs and the only way to ensure that those who require special attention are adequately identified is through such a comprehensive assessment. The rights, needs and legitimate interests of IDPs must guide all future policies and decisions on internal displacement and durable solutions, including the new State programme for IDPs for 2015–2020 so as to promote IDP self-reliance and full social integration while they wait to be able to return, if they so wish. During his visit, the Special Rapporteur called the attention of the Government to the need to adopt a development rights-based approach that includes IDPs in development planning strategies, including the national consultation processes of the post-2015 development agenda, in the areas of housing, education, health and employment to strengthen their resilience, livelihood opportunities and self-reliance.

[31] On 30 May 2014, the Special Rapporteur addressed the Security Council in the framework of the Arria formula. The message he conveyed was for the international community to revisit such unresolved conflicts and for the Security Council to ensure implementation of its pertinent resolutions, particularly Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993).

67. In that regard, the Special Rapporteur commends the Government for the efforts already made to ensure that IDPs have equal access to all human rights. The Government has not only worked towards an improvement of IDP rights, especially in the areas of housing, education, livelihood and social security, but it has also raised awareness on displacement, collected some data, and trained officials on IDP rights. It has also adopted a number of laws to ensure increased protection of IDPs.

68. With regard to the right to an adequate standard of living, the Special Rapporteur notes, however, that while newly built settlements offer rather stable housing conditions for IDPs, the discourse remains that IDPs are only temporarily "hosted" in those settlements until they are able to return to their place of origin. In order to widen their livelihood opportunities, the Special Rapporteur thus recommends that the Government expand the housing options for IDPs to include purchase certificates through which IDPs could find and buy their own accommodation, the allocation of government-purchased apartments and houses, financial assistance to build their own housing, and rental subsidies to enable IDPs to rent inside neighbourhoods. Those incentives will certainly reduce the feeling of stigmatization expressed by IDPs in the recent surveys carried out by agencies such as UNHCR and the World Bank.

69. Consultation and participation of IDPs in processes that affect them could be improved. The Government has not established mechanisms to ensure consultation with IDP or their participation in decision-making, and their meaningful involvement in reconciliation processes has not been facilitated.

VI. Conclusions and recommendations

70. **The Special Rapporteur on the human rights of internally displaced persons welcomes the continuous progress made by the Government of Azerbaijan in the search for durable solutions for all IDPs in the country. In line with his predecessor's observations, he commends the Government for its dedication to the issue and for continuing to assume the primary responsibility for the protection and assistance of persons internally displaced by the armed conflict in and around the Nagorno-Karabakh region. That continues to be accompanied by the necessary budget allocations.**

71. **The Special Rapporteur considers that further joint efforts are still necessary to overcome the obstacles to durable solutions. In that spirit, the Special Rapporteur presents the following conclusions and recommendations.**

72. **One of the main obstacles in the search for durable solutions for IDPs in Azerbaijan remains the absence of a political settlement to the unresolved armed conflict in and around the Nagorno-Karabakh region, as has already been observed by the previous mandate holder in his reports. The Special Rapporteur calls on the parties concerned as well as the international community to work towards such a goal. Reaching a peaceful settlement to the unresolved conflict is critical to resolving the protracted situation of internal displacement, which has lasted more than 20 years in Azerbaijan.**

73. **The Special Rapporteur also calls upon all parties to approach durable solutions from a humanitarian and development perspective and to take all the necessary measures to ensure that all IDPs can exercise their right to make a free and informed decision as to whether to return voluntarily to their homes in safety and dignity, to integrate locally or to resettle elsewhere in the country.**

74. **The Special Rapporteur strongly recommends the participation of IDPs in all processes that affect them. In that regard, the Special Rapporteur strongly encourages the Government to work towards strengthening the climate of greater freedom,**

consultation and participation, which are all conducive to participation in public life, as well as determining processes for the achievement of durable solutions.

75. New opportunities currently exist for the adoption of an inclusive integrated approach for IDPs in Azerbaijan, in accordance with the international standards contained in the Guiding Principles on Internal Displacement. The new opportunities include the Great Return Programme, yet to be shared; the next State Programme for IDPs to begin in 2015 and the formulation by the Government of inclusive policies in the fields of housing, health, land, agriculture, education and employment-generating activities. The Special Rapporteur recommends that the Government share those draft documents and plans with interested stakeholders so as to gain support and enable systematic and coherent approaches to durable solutions for IDPs. The integration of the goals of the post-2015 agenda into durable solutions is an important aspect as well. As mentioned during his visit, the Special Rapporteur stands available to provide his expertise on the Great Return and the State Programmes at the Government's request.

76. The Special Rapporteur commends the continuing commitment by State authorities to improving the living conditions of IDPs by ensuring access to housing for those who were displaced as a result of the armed conflict in and around the Nagorno-Karabakh region. In that regard, the Special Rapporteur commends the Government and, in particular, the Deputy Prime Minister and the State Committee for IDPs and Refugees for the efforts made to build new settlements for IDPs.

77. The Special Rapporteur insists, however, that access to housing can be made durable only through a needs-based approach and on the basis of consultation with those concerned. The Special Rapporteur therefore encourages the Government to share information relating to the enhancement of living conditions and other livelihood measures with IDPs, especially women, but also international partners and civil society. He advocates the importance of diversifying alternative housing strategies to include access to ownership of property or rental subsidies to facilitate the integration of IDPs where they are if they so wish.

78. The Special Rapporteur further considers that there is an urgent need to improve the living conditions and livelihood opportunities of IDPs who are still living in collective centres in dire conditions.

79. The Special Rapporteur is concerned that most IDPs still suffer from stigma and do not enjoy equal access to livelihood opportunities. The Special Rapporteur recommends that the Government perform a countrywide needs-based assessment to understand the causes for such inequalities and better respond to the needs of those concerned, including by carrying out a survey of intent on the part of IDPs. The Special Rapporteur recommends that the Government integrate IDPs into broader development plans and initiatives, rather than developing a comprehensive strategy on livelihoods for IDPs only, so as to increase their resilience and chances of integration in society, and decrease their dependency on government assistance in the longer run. Particular attention should be paid to specific categories of IDPs in need such as the youth, women in general, and female-headed households in particular.

80. The Special Rapporteur reiterates his predecessor's recommendation that a study on the quality of education at schools for IDPs, access to education, the performance of students and their views on the schools would be useful in better understanding their needs and problems, with the ultimate aim of ensuring they become integrated members of society.

81. In the light of the efforts which still need to be made to ensure adequate access to health care for IDPs as well as for the overall population, the Special Rapporteur insists on the importance of carrying out a general assessment on access to health care in Azerbaijan to tailor the response to requirements. The Special Rapporteur also

reiterates his predecessor's recommendation to implement the recommendations of the mental health assessment of the World Health Organization. He further recommends paying greater attention to access to reproductive health, which remains critical in Azerbaijan.

82. **The Special Rapporteur notes that the registration system has remained unchanged since his predecessor's last visit. He reiterates the need to change the current legislation so as to enable IDPs to vote in their current places of residence.**

83. **The Special Rapporteur recommends that the Government ensure effective monitoring of the protection of the human rights of the IDPs who live near the Line of Contact. Furthermore, in line with principle 2 of the Guiding Principles on Internal Displacement, he recommends that all authorities ensure the full enjoyment of the human rights of those IDPs, including the rights relating to freedom of movement and access to livelihoods.**

84. **The Special Rapporteur emphasizes that all durable solutions should remain as options available to IDPs. Particular attention should be paid to IDPs with specific needs such as women, children, older persons and persons with disabilities, to ensure that they are able to fully enjoy their rights concerning their protection and the measures taken to assist them, including durable solutions.**

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani

Addendum

Mission to Haiti*

Summary

The Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, conducted an official mission to Haiti from 29 June to 5 July 2014, at the invitation of the Government and pursuant to his mandate under resolution 23/8 of the Human Rights Council. The objective of the visit was to examine the human rights situation of internally displaced persons (IDPs) in the country following the earthquake that hit Haiti on 12 January 2010.

The Special Rapporteur called for a transition from a largely humanitarian approach to a development rights-based approach, and for durable solutions for the IDPs along with the vulnerable segments of the population. A durable solution is achieved when IDPs no longer have specific assistance or protection needs linked to their displacement and can enjoy their human rights without discrimination resulting from their displacement. The Special Rapporteur stressed that the closure of IDP camps, to which the Government of Haiti has given priority, does not mean that durable solutions for them have been found.

One of the main obstacles in the search for durable solutions in Haiti remains the extreme poverty from which a large portion of the population suffers and which particularly affects those displaced by the earthquake. He also notes that the absence of a protection-sensitive approach to the issue of displacement, the lack of coherent urban planning and of a cadastre, and the instability which remains, in part due to poor rule of law, are major

* The summary of the present report is being issued in all official languages. The report itself, contained in the annex to the summary, is being issued in the language of submission and French only.

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obstacles to durable solutions for IDPs. The Special Rapporteur insists on the importance of putting IDPs at the heart of the decisions affecting them.

Annex

[English and French only]

Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Haiti (29 June–5 July 2014)

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I. Introduction

1. In accordance with his mandate under Human Rights Council resolution 23/8 and at the invitation of the Government of Haiti, the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, conducted an official visit to Haiti from 29 June to 5 July 2014. The objective of the visit was to make a full assessment of the human rights of those who had been internally displaced after the earthquake which hit Haiti in January 2010, and to build on the assessment made by the previous mandate holder, who visited Haiti in November 2010.

2. The Special Rapporteur met with the Adviser to the President; the Minister of Justice, the Minister Delegate for Human Rights and the Fight against Extreme Poverty; the Special Representative of the Secretary-General and Head of Mission, United Nations Stabilization Mission in Haiti (MINUSTAH); the Interministerial Committee for Human Rights; the Director of the Civil Protection Department; the Unit for Construction of Housing and Public Buildings (UCLBP); and the Direction Nationale de l'Eau Potable et de l'Assainissement (DINEPA). During his mission, he also met with the United Nations humanitarian and country teams, the Protection, Camp Coordination and Camp Management Clusters and of civil society representatives. He visited IDP camps and sites and met with IDPs in Port-au-Prince and surrounding area, including Radio Commerce (Cité Soleil), Maurice Bonnefil, Bill Gates, Carradeux, St. Etienne and the Canaan neighborhood in the metropolitan area of Port-au-Prince.

3. The Special Rapporteur expresses his sincere gratitude to the Government of Haiti for its full cooperation. He is also grateful to all his interlocutors, especially IDPs who kindly shared their experiences and individual perspectives with him. He looks forward to a fruitful and continued dialogue with the Government and other stakeholders on the implementation of the recommendations contained in the present report.

4. The visit was ably coordinated by the Human Rights Section of MINUSTAH. The Special Rapporteur is grateful for all the logistical, administrative and substantive support he received, which facilitated the conduct of the visit. He would also like to thank the Special Representative of the Secretary-General for her support and the United Nations country team for their informative briefings and advice.

5. The findings of the present report bring to bear a particular focus on the impact of the earthquake on IDPs and the sites they live in, in the metropolitan area of Port-au-Prince.[1]

II. Causes and current situation of internal displacement in Haiti

A. Recent causes of internal displacement

6. As a result of the earthquake that hit Haiti on 12 January 2010, an estimated 105,000 houses were destroyed and over 188,000 were badly damaged, causing unprecedented internal displacement. At the peak of the crisis, an estimated 1.5 million IDPs were living in 1,555 camps in the Port-au-Prince metropolitan area and in and around secondary cities to

[1] The metropolitan area of Port-au-Prince includes Port-au-Prince and five other municipalities, including Cité Soleil, Tabarre and Croix des Bouquets, where Canaan is in part located.

the south. In addition to IDPs in camps, an estimated 630,000 IDPs went to live with host families in various locations around the country or to neighbouring countries, including the Dominican Republic and the United States of America.[2]

7. An estimated 80 per cent of those who lost their homes had either rented their accommodation or had de facto occupancy rights without formal ownership rights. Others, who might not have lost a home, especially Haitians living in extreme poverty, were affected in less visible ways. As those affected lost their jobs and livelihood opportunities, rent became unaffordable owing to the sudden imbalance in supply and demand, and education and health care became inaccessible as public infrastructure was destroyed. Generally speaking, IDPs without shelter remained in and around their original neighbourhoods, which has had significant implications for early recovery, reconstruction and development planning.

8. In March 2010, the Government decreed that 7,450 hectares of land to the north of the metropolitan area of Port-au-Prince were to be taken by eminent domain and used to relocate victims of the earthquake, to facilitate the decongestion of specific areas of Port-au-Prince. International actors began development of two sites in those surrounding and peri-urban areas for the relocation of almost 10,000 IDPs from camps inside Port-au-Prince considered to be at high risk from flooding or other natural hazards. Those sites began as planned tent camps, and, by early 2011, all relocated IDPs had moved into transitional shelters. Around the same time, large-scale population movements began from Port-au-Prince and other areas towards the newly appropriated land, with many hoping that it would be an opportunity to be able to own, or at least occupy, available land. Those areas, known as Canaan, Jerusalem, and Onaville, became home to large numbers of informal settlers, of which an unknown number were former residents of Port-au-Prince IDP camps. Some of those IDPs had been evicted from camps; others had probably received assistance such as rental subsidies, and used portions of their subsidies to construct more permanent dwellings.

9. In addition, Haiti faces the Caribbean hurricane season (1 June–30 November), which poses a serious safety hazard for IDPs sheltered only by tarpaulins and tents. Two major hurricanes in 2012 significantly affected recovery efforts and exacerbated existing challenges. Extreme congestion also creates additional fire and public health hazards.

B. Current situation of internal displacement[3]

10. At the end of 2013, 90 per cent of the population displaced by the earthquake had left camps, mostly as a result of return and relocation programmes implemented by the Government, the United Nations and non-governmental organization (NGO) partners. As of 30 June 2014, according to the International Organization for Migration (IOM), the total number of IDPs in camps amounted to 103,565 (28,143 households) in 172 camps/sites.

11. The Special Rapporteur was informed that, in the first semester of 2014, a quarter of the camps were reoccupied, and increased in size following the return of at least 78 per cent

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[2] Angela Sherwood and others, "Supporting Durable Solutions to Urban, Post-Disaster Displacement: Challenges and Opportunities in Haiti" (Brookings Institute, International Organization for Migration, 2014), p. 23.

[3] Most of the information provided below comes from information compiled by the Office of the High Commissioner for Human Rights (OHCHR)-MINUSTAH in their biannual report, available from "La protection des droits humains des personnes déplacées internes en lien avec le séisme de 2010 (Janvier–Juin 2014)", available from http://reliefweb.int/report/haiti/la-protection-des-droits-humains-des-personnes-d-plac-es-internes-en-lien-avec-le-s.

of IDPs who, after a year of enjoying rental subsidies, were unable to continue paying their rent and therefore decided to return to the camps. He was also concerned at testimonies from IDPs he met during the visit revealing that the neighbourhoods they had settled in would soon be vacated to be rehabilitated. Those IDPs feared being subjected to secondary displacement with no alternative housing and no prior notification. That was the case, for example, of the "Cité Administrative" in central Port-au-Prince.

12. The IOM Displacement Tracking Matrix of June 2014 indicates that, since the earthquake, just over 249,747 households left the camps spontaneously; over 69,192 households left because they had accessed alternative housing or other assistance; and over 14,444 households were forcibly evicted. There was also significant movement into and between camps, primarily for economic reasons, such as lack of livelihood opportunities and inability to pay rent (the great majority of Port-au-Prince residents were renters before the earthquake). Some camps progressively took on features of the surrounding impoverished areas (including informal settlements), and in some cases became indistinguishable from them. In the first half of 2014, 99 camps closed, 95 following payment of rental subsidies to the IDPs concerned; another 3 camps closed further to the spontaneous departure of their residents, and the remaining camp (Camp Kios Pelé) closed at the beginning of May 2014 following the departure of its IDPs, fleeing from criminal gang activities.

13. About 75 per cent of IDPs live on private land. Therefore, the risk of forced eviction remains a critical concern as land owners increasingly try to recover their properties. The Government has still to present a plan to effectively address the claims and conflicting rights both of private owners and of the IDPs, who are some of the most vulnerable Haitian citizens.

III. Framework for the protection and assistance of internally displaced persons

14. Immediately after the earthquake, the Government, itself severely affected by the disaster, received unprecedented support from the international community to respond to the crisis. IDPs were grouped in IDP camps, very often only a few metres away from their original homes. Those camps were managed by the agencies within the Camp Coordination and Camp Management (CCCM) cluster.

A. International response

15. Under the coordination of the CCCM and Shelter Clusters, housing was provided to IDPs as follows: the provision of T-shelters, i.e. medium-term shelters lasting 3–5 years (10 years in some cases); Yellow House repairs, i.e. rehabilitation of damaged houses; permanent housing reconstruction, i.e. construction of new houses to replace demolished houses (permanent housing reconstruction in general has been hindered by land tenure issues); and rental support cash grants, i.e. the provision of rental subsidies to allow beneficiaries to rent a property of their choice for a year.[4]

16. Four years after the earthquake, the humanitarian focus has begun to transit to longer-term development engagement with the United Nations country team. As of the end of 2013, OHCHR was tasked by the United Nations Resident Coordinator to be the United

[4] The impact of the various housing solutions and whether they can offer long-term solutions for IDPs is developed in a chapter of the report on durable solutions for IDPs (see chapter V below).

Nations system focal point on the issue. The continuation of clusters in the context of protracted transition was pursued, following the Humanitarian Coordinator's decision to extend the life of the cluster system until the end of 2014.

17. The Special Rapporteur commends the commitment of IOM in Haiti. At present, IOM leads the CCCM Cluster and is a key actor in IDP camp management. In addition to camp management, IOM has, with the support of donors such as Canada and the European Humanitarian Aid and Civil Protection Department (ECHO), been extensively engaged in the rental subsidy scheme. It has also engaged in related issues such as camp integration and worked with municipalities and the national police, in coordination with OHCHR and MINUSTAH/the United Nations Police (UNPOL) to prevent forced evictions of IDPs living in camps.

18. The Special Rapporteur was impressed with the work done by UN-Habitat, which has worked to put its Sustainable Relief and Reconstruction Framework into practice, advocating for recovery solutions from the start, with a development perspective in mind. It stands out as an example of best practice. The strategy prioritized safe return of IDPs to the affected neighborhoods rather than prolonging the existence of temporary camps. UN-Habitat has also launched a project "From Camp Transformation to Urban Revitalization" aimed at upgrading existing camps with the necessary retrofitting and access to basic services to guarantee durable solutions (CATUR project). The Special Rapporteur considers such projects to be innovative in providing solutions for IDPs who have lived a few years in those camps, have created ties and are therefore reluctant to move elsewhere. UN-Habitat, inter alia, is also supporting the Government in its efforts to adopt a comprehensive housing policy.[5]

19. The Special Rapporteur observed the commitment of the United Nations country team in developing, with the support of other stakeholders, an integrated strategic plan for the United Nations presence in Haiti from 2013 through 2016. He also commends the efforts made by the Office of the United Nations High Commissioner for Refugees (UNHCR), which has a programme aimed at facilitating the provision of documentation for IDPs and supporting the reform of the civil registry to mitigate the risk of statelessness.

20. The Special Rapporteur commends the presence and active involvement of development actors such as the World Bank and the Inter-American Development Bank, which implement programmes that also target IDPs. The World Bank has published a recent assessment of the Rental Support Cash Grant programmes, to learn the lessons from the rental subsidy programmes as applied in Haiti. The Inter-American Development Bank informed the Special Rapporteur of the Bank's involvement in incentive projects aimed at inciting IDPs to relocate to the countryside through agricultural projects.

21. A number of NGOs, including Catholic Relief Services, Médecins Sans Frontières (MSF), Handicap International, HelpAge International, CARE, Médecins du Monde, Oxfam and Action contre la Faim (ACF), continue to be active in assessing the basic needs of IDPs remaining in camps and providing them with those essential services (in coordination with DINEPA) despite drastic reductions in international funding and the Government's announced intention to shift its attention away from IDP camps.

B. Domestic response

22. In Port-au-Prince, most camps, which were supposed to be temporary, were simply built on land owned by private entities/individuals or owned by a particular municipality of

[5] That housing policy is yet to be shared with the Special Rapporteur and other stakeholders.

the capital. As stated above, the Government exercised its powers of eminent domain to make a swath of land north of Port-au-Prince available for the resettlement of earthquake victims. That area was situated in Croix-des-Bouquet and saw a number of informal settlements, the best known being Canaan. The Government's initiative raised a number of controversies: the procedure declaring the area public domain and transferring its status as public property was not fully compliant and thus gave rise to claims for compensation or return by a number of private owners;[6] the area is located in a seismic zone, between the sea and hills, which makes it vulnerable to disasters; earthquake victims were trained on how to construct their own houses and settled where they wished, without an urban planning strategy. As a result, a full parallel system was set up in Canaan on an ad hoc basis, including private schools, poor drainage systems and ill-equipped health-care facilities, which were outside government control. During his visit to the site, the Special Rapporteur observed the rapid informal growth of Canaan. He encourages the Government to take ownership and regain leadership of Canaan and make the site part of an overall urban development planning strategy for Port-au-Prince.

23. For many, the earthquake was seen as an opportunity to "build back better" and therefore address mistakes from the past: lack of urban governance, institutional weaknesses and a lack of urban planning, inter alia. In 2012, the Government launched a global reconstruction plan of action aimed at solving insecurity of tenure, environmental degradation and improving urban planning. Almost five years after the earthquake, planned reconstruction has yet to happen, in a coherent manner, on the basis of a comprehensive strategy. During his visit, the Special Rapporteur noted the absence of a comprehensive plan of action to provide all stakeholders, international and national, and IDPs, with a common understanding of the way forward. He noted however that positive steps had been taken in that direction. Those steps are described below.

24. The Government has empowered two executive agencies to deal with Housing Law and Property issues. The Inter-ministerial Committee on Land Use Planning took on the development of a cadastre system, working in cooperation with the Inter-American Development Bank, mostly in rural areas. The aim of UCLBP is to coordinate and implement public construction and housing policies; encourage private investment for the reconstruction of areas damaged by the earthquake and lead the post-earthquake reconstruction strategy.

25. UCLBP launched its 16/6 programme in August 2011. The project envisioned the selection of 16 poor neighbourhoods of Port-au-Prince, which were particularly affected by the earthquake and which the Government would rehabilitate while facilitating the return of IDPs originally from those neighbourhoods. The Government determined that 80 per cent of the IDPs living in the six selected camps came from those 16 neighbourhoods. Upon return, IDPs would either reconstruct or repair their damaged houses or rent a house with the support of the rental subsidies mechanism. Importantly, that mechanism aimed at strengthening tenure security for renters by ensuring that recipients moved into properties that met minimum safety standards, raising awareness of renters' rights, and by requiring the signing of a formal lease.[7] The 16/6 programme also aimed at strengthening a sense of community in neighbourhoods by facilitating the population's access to basic services and the creation of job opportunities. Local governance mechanisms were also established.[8]

[6] The procedure for declaring the area public domain seems to have been respected. However, the subsequent steps as a result of which the property should indeed have been transferred from the private landlords to the State (incl. after proper compensation) seems not to have been followed.

[7] Brookings-IOM study (see footnote 2), pp. 50–51.

[8] Information provided by UCLBP during the Special Rapporteur's visit.

26. The Government also launched the Support Programme for the Housing Sector Action Plan with the support of the Inter-American Development Bank with the main objective of helping improve the quality of life of low-income families affected by the earthquake, providing them with housing to meet their essential needs of accommodation and security, and to establish a framework for planned housing development. The Government further provided 500 million gourdes for the "Kay Pam" (my house) programme of bank loans for housing. A programme which started in 2011 to build 3,000 housing units for earthquake victims is still running.

27. The Special Rapporteur is also encouraged by the establishment of sectoral tables on housing and disaster risk reduction, which can certainly improve coordination for national and international funding and programming in those sectors.

IV. Specific rights and issues of concern for internally displaced persons

28. The Special Rapporteur makes the case for the need for a comprehensive profiling exercise for the overall displaced population, the location of those IDPs, both in and outside camps, and their specific needs. He considers the absence of such profiling and needs assessment (with disaggregated data) to be a handicap to formulating evidence-based, durable solutions, having regard to the causes and magnitude of internal displacement (i.e. the earthquake and other causes of displacement) and, most importantly, their consequences on the human rights of IDPs. While some stakeholders such as the Brookings-IOM study supporting the search for durable solutions in Haiti, have attempted to present a snapshot of internal displacement, the Special Rapporteur encourages the idea of a Government-led assessment, supported by international and national stakeholders, aimed at determining the extent to which durable solutions can be found for IDPs in Haiti. An exhaustive assessment of that type would be the first step towards achieving durable solutions.

29. At the beginning of 2014, 60.9 per cent of surveyed households displaced by the earthquake reported that their overall living conditions had worsened since the earthquake, compared to 38.9 per cent of households who did not have to leave their homes. Sixty-seven (67) per cent of displaced households indicated that they currently lacked the means to provide for their basic needs, compared to 43 per cent of households not displaced.

30. While IDPs and the most vulnerable segments of the urban population of Port-au-Prince may face many similar challenges, the Special Rapporteur considers that IDPs continue to have specific needs and face specific challenges related to their displacement. They are a consequence of the extensive physical destruction, the large-scale nature of the displacement crisis, the limited accessibility of urban land, and the lack of livelihood opportunities that have affected IDPs and have hindered durable solutions for them. Many of the socio-economic factors underlying exposure to displacement in the first place are factors that also inhibit the durable resolution of displacement. Those challenges have put certain IDPs at high risk of recurrent patterns of forced eviction, homelessness, disaster-related displacement, and extreme poverty.[9]

A. Right to adequate housing

31. Before the earthquake, Haiti was already witnessing a lack of urban planning, lack of a cadastre, inequalities, corruption and weaknesses in the rule of law, and rapid growth

[9] Brookings-IOM study (see footnote 2), p. 2.

in the urban population partly due to rural exodus. The lack of security of tenure in Haiti was exacerbated by the magnitude of the earthquake and the damage caused. Additionally, the poor quality of constructions increased inhabitants' vulnerability to the earthquake and will continue to make them vulnerable to any cyclical natural hazard (most people in Haiti build their own houses and do not buy them; the quality of the material used depends on each individual's resources). The national authorities should be involved to regulate the quality of individually constructed houses and ensure that they meet minimum requirements, including those related to disaster risk preparedness.

32. All stakeholders met during the Special Rapporteur's visit agreed that there was a lack of cooperation between the actors involved, whether State-driven (at national and municipal levels), non-governmental, humanitarian or development-driven. As a result, urban development is dictated by private/individual initiatives driven either by survival instincts or personal enrichment. Although government officials met during the Special Rapporteur's visit assured him that there was a housing policy, the Special Rapporteur has yet to receive a finalized version of that policy. The housing policy is awaited by the bilateral and multilateral development partners of Haiti as a basis for their guidance and engagement with the Government in order to provide the necessary support. It must be shared urgently with humanitarian and development partners.

33. While access to housing is a problem for all in Haiti, the Special Rapporteur notes that displaced families are twice as likely as those not displaced to experience a decline in their housing situation, despite their acute needs.

34. In the aftermath of the earthquake, humanitarian support concentrated on the provision of shelters to IDPs in camps. The vast majority of camps have now been closed. Those remaining form part of the general picture of a complex urban environment. According to IOM, 75 per cent of IDPs live on private land, whether grouped in IDP camps or housed in private accommodation. As a result, a significant number of those IDPs are vulnerable to some forms of eviction. Evictions have taken place in three main ways: IDPs evicted from IDP camps; IDPs evicted from informal settlements such as Canaan (Port-au-Prince metropolitan area); and IDPs evicted as a consequence of the development of infrastructure projects (for instance Mer Frappée). Owing to a lack of progress in finding alternative solutions for the camps, many landowners afraid of losing their land have exerted pressure on IDPs to leave. Some have paid IDPs small sums to move but without offering alternative land, effectively shifting the problem elsewhere. Some evictions have been carried out by way of threats and the use of illegal violence, by gangs, and, in some reported cases, by municipal and/or police officers. Senior government officials have reportedly engaged discreetly with private landowners to lessen eviction pressures. The Minister of Justice acknowledged the concern and the message of the Special Rapporteur to halt illegal evictions, citing weak legal procedures and judicial institutions.

35. When evictions first emerged as a concern, the United Nations and the Protection Cluster, inter alia, urged the Government to adopt a policy on responding to attempted evictions, by imposing an initial moratorium until a comprehensive plan to relocate the camps was devised. The Government rejected the call for a moratorium, with senior officials arguing that it would not have the power to enforce a moratorium in relation to illegal evictions. Nonetheless, forced evictions were prevented as a result of the Protection Cluster partners' mediation with landlords; guidance given to the implementing partners on applicable standards and the legal framework; technical advocacy with a judge on due process and international standards on forced evictions; facilitation of increased UNPOL patrolling; or active advocacy with national counterparts including UCLBP, the Minister Delegate for Human Rights and/or the Minister of Justice and Public Security.

36. The Special Rapporteur deplores the fact that, according to the information he received following his visit, on 15 July 2014, 146 households were forcibly evicted from a

settlement called "Camp Comité des Jeunes pour le Développement de Ti trou" (Debussy/Turgeau) based in Port-au-Prince municipality. On 8 August 2014, Camp Téléco sans fil (Delmas 18) was entirely demolished, forcibly displacing 400 families. At the time of writing, a number of other sites in the municipality of Port-au-Prince were also under threat of forced eviction. The forced evictions occurred after the Government authorities decided to change the eligibility criteria for being considered an IDP. Since the beginning of September 2014, only those who were registered as such in 2010 would fall under the government definition of an IDP and be able to benefit from government relocation programmes such as the rental subsidy scheme. As a result, an estimated 20,000 households may be deprived of their right to a durable solution and, more dramatically, be arbitrarily displaced for a second time. The Special Rapporteur expresses his utmost concern and urges the Government to review its policies to ensure that all those who have been displaced following the earthquake or as a consequence of the earthquake are provided with durable solutions and do not experience secondary displacement within Haiti.

37. The Special Rapporteur advises putting legal assistance upfront to secure land tenure. All IDPs should be adequately informed before any decision affecting their housing rights is taken and should participate in such decisions. He encourages civil society representatives he met during his visit, as well as other international and national stakeholders, to advocate for official consultation with IDPs and their participation in seeking to achieve durable solutions.

B. Employment and livelihood opportunities

38. In 2012, the general observation was that, despite progress made in rebuilding Haiti, the country's reconstruction and development required a sustained effort in moving from emergency assistance to development in order to create new opportunities for the Haitian population. The Special Rapporteur notes that such a transition is yet to happen and must be planned. He notes with satisfaction that inclusive efforts to eliminate extreme poverty and bring about development in Haiti to benefit all, including IDPs and the other most vulnerable segments of the population, remain a priority for the Government and development actors.

39. The informal sector is still a strong magnet, attracting the majority of the Haitian workforce. Mostly made up of unregulated micro and small businesses, the informal sector pays low salaries and provides precarious working conditions, a reflection of low productivity and "lack of economies of scales", according to experts.[10] In the IDP camps visited by the Special Rapporteur, all IDPs spoken to mentioned that their involvement in informal business was their main source of revenue, in addition to the assistance provided by humanitarian actors.

40. Whether they had left or were still in camps, some IDPs linked their specific livelihood problems to a loss of productive assets during the earthquake. According to survey data, IDP households were almost four times more likely to report a loss of productive assets than other households (8.1 per cent compared with 2.5 per cent); the majority spoke of the loss as a consequence of the collapse of houses due to the earthquake. In those cases, the destruction of homes directly involved a loss of livelihoods as well.

41. Some IDPs point to a problematic relationship between job access and transportation. Those who have been relocated—now residing away from pre-earthquake neighbourhoods—sometimes lack transportation to city centres in order to work. This IDP-

[10] See www.worldbank.org/en/news/feature/2012/11/05/business-haiti-recovery-jobs.

specific concern over transportation was confirmed by the survey results, which found that IDP households (12.5 per cent) were twice as likely as other households (4.5 per cent) to express discontent over their access to transportation.[11] To address part of the problem, the Special Rapporteur encourages livelihood opportunities and training of IDPs where they are settled, whether in camps or in neighbourhoods. In both cases, those opportunities should be shared with host populations and displacement-affected communities in the neighbourhoods with a view to creating cohesion and a sense of community and ownership in the general development of urban areas.

C. Access for IDPs to basic services, including health

42. Since 2012 in particular, a continuing decline in access for IDPs in camps to basic services, in the context of the reduction in international humanitarian funding and NGO presence, has further weakened the situation of those IDPs most in need. The Special Rapporteur particularly deplores declining support in meeting the remaining needs of IDPs and welcomes the efforts made by government (including DINEPA) and non-government actors to maintain increased cooperation within the Water, Sanitation and Health sector (WASH), which has helped those most in need. Their involvement is all the more important in the light of the efforts made to link protection and WASH issues and strengthen IDP resilience, including through community-based involvement.

43. In 2014, the sanitary situation in camps worsened: 43 per cent of IDP camps were reported to have no latrines at all; in camps with latrines, the ratio is 106 persons per latrine; and 25 per cent of IDP camps have no sewage disposal system. None of the IDP camps has garbage/waste management systems and 57 per cent of IDP camps have been built on slopes.[12]

44. The difficulties related to poor access to water and sanitation directly impact hygiene and health conditions in camps, including in relation to the cholera epidemic. Lack of adequate reproductive health care is another aggravating factor, along with an increase in incidents of violence inside households and within the IDP community as a whole.[13] Those deplorable conditions and the lack of prospects mentioned by some IDPs met during the Special Rapporteur's visit explain the increase in violence, health deterioration, poor access to education, and impediments to other basic needs of IDPs, especially those of women.

45. The Special Rapporteur was alerted to the severe food insecurity which, while having been reduced from 1.5 million people affected in early 2013 to 600,000 by the end of 2013, remains high. A survey jointly organized by IOM/ACF on IDPs living in Carrefour, Port-au-Prince, in March–April 2014, revealed that those IDPs who had lived for the past four years in IDP camps faced increased social exclusion, isolation and feelings of uncertainty, with limited prospects for the future. The survey also shows that the global malnutrition rate has reached 12.50 per cent among IDPs. In addition, only 3 per cent of the women interviewed by IOM and ACF reported good breastfeeding practices and only 3 per cent of households surveyed by the same NGOs reported adequate hygiene practices.[14]

[11] Brookings-IOM study (see footnote 2), pp. 36–37.

[12] Information provided in a handover note to the Special Rapporteur by CARE during his visit.

[13] ACF Assessment on nutritional practices of IDPs in Camps: *"Evaluation sur les pratiques de soins nutritionnelles des populations vulnérables des camps de déplacés internes"*, 20 Mars–19 avril 2014, ACF-IOM, p. 17.

[14] Ibid, p. 17.

46. During his visit, the Special Rapporteur observed the critical health situation of a number of IDPs in the camps he visited.[15] There is a lack of health structures for camps, either due to IDPs' lack of financial resources to access private health care facilities and/or to pay for medicine prescribed in public health centres. However, according to the ACF study, in the event of an emergency, communities organize themselves and financially support the purchase of medicine for, and transportation to, the nearest health facilities. IDP communities were found to have a good knowledge of preventative measures against cholera, which remains an issue despite a decrease in the number of declared cases in the past year, but lacked awareness of other disease prevention measures. For instance, only a quarter of households visited possessed mosquito nets,[16] which are useful in preventing the debilitating chikungunya mosquito-borne virus.

47. The Special Rapporteur was impressed by the priority given by the IDPs whom he met to the education of their children. In Maurice Bonnefil, the Special Rapporteur met with a young woman who had two children and who spent all she earned to ensure they would have access to a private school outside the IDP camp. According to ACF, in certain camps, children do not go to school owing to their parents' lack of financial resources or to a lack of available free schools in the vicinity of those camps.[17]

D. Registration and documentation

48. According to the Haitian National Archives, approximately 2 million Haitians need documentation. Since many undocumented Haitians have fled the county, there is a high risk that some of them may become stateless.[18]

49. The humanitarian community has progressively devoted more attention to documentation challenges, strengthening the base for approaching transitional and durable solutions. For example, during the implementation of rental subsidy programmes, stakeholders systematically observed that undocumented families were unable to receive their cash grants from participating banks. "Provide documentation to IDPs to facilitate socio-economic integration" has been identified as a goal within the United Nations 2014 Haiti Strategic Response Plan. That objective complements government efforts to improve Haitians' access to personal documentation, including through a programme supported by the Organization of American States (OAS) to modernize the Haitian civil registration system.[19]

50. Surveys show the strong association between displacement and the loss of documentation, with 21.1 per cent of displaced households reporting the loss of documents as a result of the earthquake in comparison with 7.7 per cent of other households.[20] Few families within either group have received assistance from the Government to recover lost documents, NGOs or international organizations. Replacement of lost documentation for displaced families was facilitated by efforts such as a UNHCR-funded programme in 2011

[15] MSF Belgique noted that the critical health situation is acute even outside camps.

[16] ACF Assessment on nutritional practices of IDPs in Camps by the International Organization for Migration (see footnote 13), p. 17.

[17] Ibid., p. 16.

[18] Human Rights Watch, "World Report 2014: Haiti", available from www.hrw.org/world-report/2014/country-chapters/haiti?page=3; Report of the Secretary-General on the United Nations Stabilization Mission in Haiti (S/2014/162), p. 14.

[19] Brookings-IOM study (see footnote 2), p. 45.

[20] Ibid., p. 44.

through which the Haitian organization Action Citoyenne pour l'Abolition de la Torture (ACAT) assisted 10,000 IDPs with their civil documentation needs.[21]

51. The most common problem identified by displaced and non-displaced families resulting from the loss of personal documentation is hindered access to civil and political rights, namely the ability to participate in public affairs and the ability to vote. Few associated their current lack of documentation with problems in establishing property ownership, buying a property or providing proof of rental agreements. That meshes with the view expressed by IDPs, community members, and other stakeholders that community confirmation of tenure status is the primary way to verify property and housing claims. Nevertheless, some actors did raise the concern that incomplete documentation represents an obstacle to increasing access to housing through formal credit or microcredit mechanisms, which is a central component of the Government's strategy to improve access to housing.[22]

52. The Special Rapporteur is pleased to note that national legislation has been passed to enable access to birth registration free of charge. He notes however that such legislation has yet to be implemented, and advises implementation of that legislation.

E. Rule of law and access to justice

53. Although Government and MINUSTAH reforms have strengthened the Haitian National Police, its institutional capacity still needs to be reinforced. As mentioned by the head of UNPOL, whom the Special Rapporteur met during his visit, the number of police officers trained remains insufficient to meet the rule of law challenges facing Haiti.

54. According to the Brookings Institute study, 19.8 per cent of respondents from displaced households do not feel safe in their current places of residence, compared to 13.9 per cent of respondents from other households. A significant relationship exists between displacement and reduced access to police and security services, with 31.4 per cent of displaced households indicating that they currently lack access to these services, compared to 22.8 per cent of non-displaced households. The vast majority feel that trust amongst neighbours has declined since the earthquake (97.7 per cent of displaced households, 96.8 per cent of non-displaced households).[23] In addition, lack of security in camps has increased vulnerability to sexual violence.

55. Additionally, a lack of accountability for past injustices contributes to Haitians' sense of frustration with their country's justice system. Political actors are said often to disregard their own laws. Impunity, nepotism and other forms of corruption remain widespread.[24] The weakness in the rule of law particularly affects municipalities. When

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[21] Haiti, 2014 UNHCR regional operations profile – North America and the Caribbean, (UNHCR, 2014), available from www.unhcr.org/cgi-bin/texis/vtx/page?page=49e491766&submit=GO#.

[22] Brookings-IOM study (see footnote 2), p. 44.

[23] Human Rights Watch, "World Report 2014: Haiti," (see footnote 18); Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, "Human Rights of Internally Displaced Persons in Haiti: Memorandum based on a Working Visit to Port-au-Prince", 12–16 October 2010, p. 8; Brookings-IOM study (see footnote 2), p. 12; Kim Thuy Seelinger and Laura Wagner, "Safe Haven: Sheltering Displaced Persons from Sexual and Gender-Based Violence — Case Study: Haiti", (UNHCR, Berkeley Law Human Rights Center,), available from www.unhcr.org/51b6c2b29.html, pp. 31–32.

[24] Haiti 2014–2017 Country Note – OHCHR; Haiti ranks 163 out of 177 countries with a score of 19 out of 100 according to Transparency International's Corruption Perceptions Index of 2013. "Haiti," Transparency International, 2014, see www.transparency.org/country/#HTI.

visiting the Radio Commerce camp in Cité Soleil, the Special Rapporteur was told that the municipal board kept changing. Municipal representatives are particularly subject to a number of pressures, including from criminal gangs. Constant changes in authorities adversely impact on a weak rule of law and a sense of insecurity, including in tenure-related issues.

F. Participation in public and political life

56. The postponement of elections originally scheduled for 2011 has undermined the right to political participation.

57. Upon completion of his mission to Haiti, the Special Rapporteur stated that the current election registration exercise should also include IDPs as equal citizens, to ensure they can vote and participate in the public life of the country. That would involve the Government launching a country-wide assessment of the current situation of all IDPs with regard to their personal documentation to ensure that, when elections take place, they are able to vote. The Government should include all IDP camps in its sensitization campaigns to ensure that the people staying there know how to register and how to vote and, if they lack personal documentation such as birth registration or baptism certificates, they are able to obtain them in time, or are exempted from producing them as a condition for voting.

G. Groups with specific needs

58. According to the National Police, as communicated by the United Nations Police (UNPOL), violence against women and girls remains a very worrying problem in Haiti. Physical aggression and domestic violence remain the most widespread forms of violence, while rape allegations have doubled in the first half of 2014 compared to the last semester of 2013. According to IOM, 80 per cent of the incidents against women and girls reported in camps in the first half of 2014 took place inside IDP camps, as compared to 70 per cent in the last semester of 2013. In its report on nutritional practices in camps, ACF notes that gender-based violence is directly linked to non-consensual sexual activities in IDP camps. Other issues were raised during the Special Rapporteur's visit, such as the absence of functioning lighting in some of those camps, which increases the feeling of insecurity and vulnerability of women and girls. The urgent need to establish a systematic collection of data on sexual violence, validated by the Ministry of Women's Affairs and other relevant partners has legitimately been raised and should be followed up.[25]

59. During his visit, the Special Rapporteur found that IDP children, including under-age mothers, were particularly vulnerable to exploitation as domestic workers in families. NGOs working in camps mentioned the absence of safe houses as a problem that needed to be addressed in the provision of specific protection to such children.

60. The Special Rapporteur received a number of concurring testimonies on the particular vulnerability of older persons and persons with disabilities. He commends the support provided by some NGOs such as Handicap International and HelpAge, to the Government and other stakeholders, by making sure that relocation programmes, in particular rental subsidy schemes and reconstruction programmes, took into consideration the specific needs of persons with disabilities and older persons as well.

61. The situation of sexual minorities (lesbian, gay, bisexual, transgender and intersex–LGBTI), especially in IDP camps, was also referred to the Special Rapporteur during his

[25] See biannual report of the Protection Cluster on protection in IDP camps – January–June 2014, p. 12.

visit. Incidents reported included sexual aggressions, physical assault and psychological violence among others.[26] Observers have noted a particular lack of access to shelter protection for members of both sexes, and LGBTI individuals, who had suffered sexual and gender-based violence (SGBV), and HIV-positive individuals.[27] Special protection and provision should be made for those categories of IDPs.

V. Search for durable solutions for internally displaced persons

62. The Special Rapporteur's assessment is that conditions are right for Haiti to transit more formally to a development rights-based approach for the achievement of durable solutions for IDPs. Durable solutions are reached only when the needs related to displacement no longer exist, which is a medium-to long-term complex development-led process for all IDPs and not just those living in camps or sites. Therefore, the closure of camps by itself does not mean that durable solutions for IDPs have been found. In addition, although official figures show a decrease in the number of IDPs from 1.5 million after the earthquake to a rough official figure of 100,000 at the time of writing, much more needs to be done for all those displaced if durable solutions are to be achieved in the overall context of developing the country as a whole as well as addressing extreme poverty.

63. Accessing durable solutions calls for strong leadership by the Government in the resolution of issues related to access to land and property, housing, justice and rule of law, including for women, which are issues that affect IDPs as well as other vulnerable segments of the population in Haiti. The plan of action launched on 13 May 2014 by the Government to reduce the extreme poverty affecting Haiti is an important move forward. The Special Rapporteur advocates that the policy must include IDPs as a target population. Internal displacement carries certain risk factors that can be mitigated through the development of such policies.

64. The Special Rapporteur adds that, without development through early recovery and diligent reconstruction, a majority of the population will not see their basic social and economic rights fulfilled and will continue to depend on humanitarian assistance indefinitely, although that will not be forthcoming in the present climate. According to the UNDP 2013 report on the Millennium Development Goals for Haiti, development aid in Haiti has increased from 167 million dollars in 1990 to 1.3 billion dollars in 2012, with a peak of 3 billion dollars following the 2010 earthquake.

65. In the past, faced with overwhelming humanitarian needs across the capital following the earthquake, many humanitarian actors sought to restrict their responses to camps, where needs were most visible and beneficiaries could be most conveniently reached in accordance with assistance models largely transposed from rural or armed conflict settings. At the time of his visit, in October 2010, the Special Representative on the human rights of IDPs deemed that approach practically and morally unsustainable. Four years later, the Special Rapporteur found that it had indeed become unsustainable, leading to measures to decongest the camps through rental subsidy as a transitional response, and to premature assertions as to the achievement of durable solutions.

66. With the majority of IDPs currently still living in their neighbourhoods, opting, as is their right, to return to their old homes is the logical choice for most. Certain

[26] Ibid., p. 13.

[27] Kim Thuy Seelinger and Laura Wagner, "Safe Haven: Sheltering Displaced Persons from Sexual and Gender-Based Violence — Case Study: Haiti," (UNHCR, Berkeley Law Human Rights Center), available from www.unhcr.org/51b6e2b29.html, p. 70.

neighbourhoods were so badly damaged that they had to be torn down and reconstructed. Using reconstruction to resolve questions of formal ownership and establish a coherent cadaster has been advocated. Some housing rights experts, including from UN Habitat, whom the Special Rapporteur met during his visit, advocated instead for an approach to reconstruction based on community enumeration. That process, which has been initiated in some neighbourhoods, establishes who physically occupied land at the moment of the earthquake by taking individual statements that are then completed and validated by the community, professionals and local authorities to certify ownership or, at least, possession.

67. There may be exceptional situations where the choice of return or local integration as durable solutions is restricted because conditions are too unsafe to permit returns or local integration in a specific location. The alternative therefore becomes resettlement elsewhere in the country. Some IDPs met by the Special Rapporteur during his visit clearly indicated their wish or strong desire to settle outside of Port-au-Prince, very often in their home province. However, the lack of livelihood opportunities has always been given as the main obstacle to such a solution. The Special Rapporteur notes that the projects launched by the Inter-American Development Bank in rural areas in sectors such as agriculture are examples of projects which could widen IDPs' prospects of livelihood opportunities and thus increase their chances of reaching durable solutions through settlement elsewhere in the country.

68. The Special Rapporteur notes that the official position has been that all camps should be closed sooner or later. As a result, humanitarian organizations, inter alia, have been hesitant to make sustainable investments in the camps that would be costly to reverse. Meanwhile, many decision-makers, mindful of how other informal settlements across the capital emerged, have started tacitly acknowledging that some of the unofficial sites in less central locations will become new permanent settlements, even if some of the inhabitants will eventually leave. Variations of that idea have been explored and taken up, from the integration of some camps into communities by the construction of homes (including through the facilitation and provision of technical assistance for self-building), public infrastructure and the provision of livelihood opportunities on site, to the provision of cleared title and "sites and services" to supplement displaced families' own investments in shelters.[28] Very often, "camp integration" happened spontaneously through the increasing involvement of private actors and other stakeholders and as a consequence of coping mechanisms developed by IDPs themselves who upgraded or extended the shelters they were living in. Such was the case at Radio Commerce (Cité Soleil), visited by the Special Rapporteur during his mission. IDPs have lived there for several years now and do not wish to be relocated. Moving them would amount to secondary displacement for them. The IDPs concerned have also become the "owners" of the T-shelters provided, when they were mostly renters before the earthquake.

69. The Special Rapporteur considers that camps are a means of enabling IDPs to integrate locally and achieve durable solutions only in cooperation with the Government and the concerned municipalities and if accompanied by proper urban planning (reaching security of tenure), with the full consultation of the IDPs living in those camps as well as the populations from surrounding neighbourhoods. He has witnessed the efforts made by some IOM and UN Habitat, inter alia, to reach that goal. During his mission, the Special Rapporteur had the chance to visit the site of Saint Etienne, Port-au-Prince, which will be integrated. The keys to success are tied to the principles of sustainability (economic and social), regeneration (urban upgrading) and resilience.

[28] Brooking-IOM study (see footnote 2), p. 26.

70. Reconstruction in the place of origin has not been the only option chosen. As mentioned previously, four different housing/shelter solutions had been opted for following the earthquake: (a) transitional shelters (T-shelters); (b) yellow house repairs; (c) permanent housing reconstruction; and (d) rental support cash grants. During his visit, the Special Rapporteur heard complaints from a variety of stakeholders on the negative consequences of having prioritized the provision of T-shelters over more permanent house construction. As already noted by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context in 2011, T-shelters can become an obstacle to reconstruction since they are installed on terrain which may be the property of others, and which is therefore not necessarily available for reconstruction and, in the Haitian context, which can become "permanent" although not secure and sustainable.[29]

71. During his visit, the Special Rapporteur noted that IDP participation in the reconstruction process had been crucially lacking. When discussing the issue with women IDPs met in and outside camp settings, the Special Rapporteur observed their lack of involvement in most decisions affecting them, whether in the areas of health, livelihood or housing.

72. Rental subsidies became the housing support intervention that was provided to the second-largest number of IDP households in Haiti (following the provision of T-shelters, the most common internationally supported intervention), and in 2012 became the primary intervention related to displacement. Under this model, IDPs leaving camps were provided with funds intended to cover one year's rent. The rental subsidy programme was premised on the recognition that by January 2012, some 78 per cent of IDPs remaining in camps were renters who lacked the funds to pay the obligatory one year of rent up front. IDPs met by the Special Rapporteur during his visit confirmed the general assessment made by members of the Protection and CCCM Clusters that, upon completion of the one-year rental subsidy, they were anxious at their probable inability to continue paying such rent after that year. According to an assessment made by UN Habitat in 2013, after one year, 75 per cent of the IDPs interviewed no longer occupied the rental accommodation identified and approved under the subsidy scheme, apparently mainly owing to the fact that the majority had not increased their income capacity in the meantime. It has also been observed that in some parts of the metropolitan area, IDPs are in competition with other vulnerable renters for the available housing stock.

73. Besides, it would seem that the technical support strategy to increase the rental housing stock as devised by the UCLBP is insufficiently supported and therefore difficult to implement.[30]

74. The Special Rapporteur thus reiterates that the rental subsidy policy which aims to help IDPs leave camps and find a place to rent in the neighbourhoods is a transitional measure to decongest the camps. Therefore, in order to be sustainable, this policy must be linked to livelihood and income-generating activities. It should also benefit the entire community in which IDPs are settled, including through enhanced access to basic services. In this regard, the Special Rapporteur welcomes the 16/6 programme launched by the Government and considers that the programme should be replicated provided it aims at addressing security of tenure, the right to work and the upgrading of the poorest neighbourhoods of Port-au-Prince. The Special Rapporteur urges the donor community to

[29] See communication from the Special Rapporteur on adequate housing, *"Communication fondée sur une visite de travail à Port-au-Prince"*, Haiti (8–11 June 2011).

[30] UN Habitat, "Improving the impact of rental subsidies", May 2013.

shift its attention from short-term solutions to long-term durable solutions benefiting IDPs and the entire community, and support the Government in such endeavours.

75. The Special Rapporteur commends the Government for its efforts to improve its Millennium Development Goal achievements through the economic development of the country, by halving extreme poverty rates and promoting an enhanced right to education for all. He calls on the Government, together with the donor community, humanitarian and development actors, and civil society to continue to monitor the impact of internal displacement dynamics on development in Haiti and ensure that all those who have been internally displaced find durable solutions. Progress in Haiti and the enhancement of human rights in the country are possible only if the issue of internal displacement is given enough attention as displacement dynamics impact urban growth in the country and hence economic development in urban centres. The Special Rapporteur therefore encourages concerted action by the Government, concerned municipal authorities, international stakeholders including development actors, and civil society to act jointly towards good governance and community empowerment through a shift towards a rights-based approach to development, an improvement in security of tenure, justice and rule of law, and in employment and access to basic services.

76. The Special Rapporteur welcomes the creation of sectorial platforms and inter-ministerial committees to coordinate development activities, but cautions that coordination still needs to become a reality both among line ministries and between the Government and international stakeholders. In addition, sectorial policies in all key areas such as water, sanitation, health, education, employment and agriculture should also extend to IDPs.

77. Consultation and participation of IDPs in processes that affect them should also be improved. The Special Rapporteur urges the Government to establish mechanisms to ensure IDPs' consultation and participation in decision-making, especially in the choices to be made between local integration, settlement elsewhere and return.

VI. Conclusions and recommendations

78. **Almost five years after the earthquake, the Special Rapporteur welcomes the efforts made by the Government with the support of the international community to address and end internal displacement in Haiti. Despite the reduction in the number of IDPs in camps and the closing of most of the camps, durable solutions have yet to be found for most IDPs. He cautions that closing camps does not mean that durable solutions have been found. Secondary displacement is the more likely consequence of such measures, which merely results in shifting the problem elsewhere.**

79. **The Special Rapporteur reaffirms the primary responsibility of the Government to work towards development rights-based approaches to alleviating poverty while incorporating durable solutions for IDPs. The long-term issues such as housing, land and the land tenure system, the integration of IDPs into local neighbourhoods (with a focus on housing, livelihood and access to basic services), the integration of sustainable livelihoods into the rental subsidy scheme for IDPs, as well as securing the most immediate needs related to sanitation and clean and safe water, have been identified as key priority areas for IDPs and the population at large in the search for durable solutions.**

80. **During his mission, the Special Rapporteur observed that unequal attention was paid to the above-mentioned aspects. While access to adequate housing is an essential component of a durable solution for IDPs, access to such a right does not suffice. The Special Rapporteur noted the engagement of the Government with key donors and development actors such as the World Bank and the Inter-American**

Development Bank to increase livelihood opportunities for IDPs as well as the most vulnerable segments of the population. Such efforts still need to be coordinated and the information shared with other actors such as civil society, humanitarian actors and IDPs themselves for a better achievement of comprehensive solutions.

81. Measures taken to achieve those durable solutions should remain under the strong leadership of the Government with the support of the international community and civil society; and in consultation with IDPs and their representatives. Informed by the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) and the IASC framework on durable solutions, the Special Rapporteur addresses the following recommendations to:

82. The Government of Haiti:

(a) Insofar as IDPs in urban settings are often invisible and live among the urban poor, carry out a country-wide profiling and needs-based assessment to identify IDPs and their location and better address their needs, making a fair assessment of what is required to attain durable solutions and of whether camp closures have led to durable solutions in some respects; it should include an assessment of measures taken so far, such as of the impact of the 16/6 programme, other rental subsidy schemes, camp integration initiatives and any other initiative (including sites and services) aimed at reaching durable solutions for IDPs;

(b) Ensure the full participation of IDPs in all decisions that affect them, including in drafting laws and policies that address durable solutions for them; undertake broad consultation with communities and neighbourhoods to address their broader concerns (including protection concerns) with regard to return or local integration for IDPs, or settlement in another neighbourhood and how such measures can be best implemented in practice, in cooperation with host communities and the rest of the displacement-affected urban population;

(c) In particular, ensure that a clear housing policy is made publicly available, includes the participation of all those concerned and is adopted after IDP consultation; that such a policy provides for an action plan on security of tenure (including the establishment of a cadaster or the like) and a clear procedure for evictions, based on the law; the Special Rapporteur urges the Government to urgently halt any forced evictions from camps as well as in informal settlements until such time as durable solutions are found for all those who have been internally displaced;

(d) As recommended in his thematic report to the General Assembly (A/69/295, 61 (j)), establish transparent eligibility criteria for the allocation of land (rental or ownership) for IDPs in urban settings and ensure that, as a right to which they are entitled, IDPs have equal access to property if their means allow them to do so. In this regard, take affirmative-action measures for IDPs' access to land in urban areas along with other urban poor facing similar insecurity of tenure;

(e) As recommended in his thematic report to the general Assembly (A/69/295, 61 (n)), establish integrated planning informed by displacement dynamics. Urban development plans, poverty reduction plans, general urban planning and upgrading, including slum-upgrading, should include internal displacement-specific aspects and settlements. As a first step in the implementation of that recommendation, establish an interministerial committee to work on the urgently needed urban planning and the integration of IDPs and the urban poor, including in informal settlements such as Canaan, Jerusalem and Onaville;

(f) With the support of development actors such as the World Bank, the Inter-American Development Bank and the European Union, develop return and

resettlement incentives with regard to rural areas, accompanied by livelihood schemes and the development of rural areas as an alternative to urbanization;

(g) Ensure that IDPs are included in all development plans agreed between the Government and its development partners, and in all sectoral tables relevant to the IDP issue; with the support of development actors, develop tools to assess the impact of development on beneficiaries, including IDPs, and improve follow-up of relevant government programmes;

(h) In line with the recommendations of the Working Group on the UPR (A/HRC/19/19), strengthen the rule of law and good governance and guarantee equal access to justice for all, including IDPs, with a view to eradicating impunity and promoting justice for all in Haiti;

(i) In view of the cyclical vulnerability of Haiti to natural hazards, put in place a coordinated disaster risk preparedness plan of action in coordination with relevant international and national stakeholders; the plan of action should be drawn up in consultation with the local population and, in particular, IDPs, who may face secondary displacement;

(j) Launch a country-wide registration process aimed at ensuring that all IDPs have access to personal documentation; and in particular for them to be able to exercise their rights to vote and to access land;

(k) Strengthen the government response to the remaining humanitarian needs of IDPs in and outside camp settings.

83. The international community, United Nations agencies, other humanitarian and development actors, as relevant,

(a) Strengthen cooperation between humanitarian and development actors and with national authorities to ensure coherence in the response given to IDPs' needs; work jointly towards greater coherence and cooperation in finding durable solutions for IDPs;

(b) As recommended in the Special Rapporteur's thematic report to the General Assembly (A/69/295, para. 61 (x)), work more closely and effectively with municipal authorities, which are often the first point of contact with IDPs and know best what solutions work in Haiti; and also support government measures towards finding durable solutions for IDPs through carrying out regular profiling exercises, including in informal settlements with their participation; and undertake a study on mixed opportunities to reduce the risks facing IDPs in the areas of housing, access to livelihood and basic services, inter alia;

(c) Strengthen the coordinated response to the remaining humanitarian needs of IDPs in and outside camp settings, with regard to, for example, sanitation;

(d) In accordance with the Human Rights Due Diligence Policy on United Nations support to non-United Nations security forces, United Nations entities must refrain from supporting non-United Nations security forces where there is a risk of the receiving entities committing grave violations of international human rights law such as forced evictions, if and when those forced evictions are carried out in a repeated and systematic fashion, and where the relevant authorities fail to take the necessary corrective or mitigating measures. Similarly, if United Nations entities receive reliable information that provides substantial grounds to believe that a recipient of United Nations support is committing grave violations of international human rights law, the United Nations entity providing that support must intercede with the relevant authorities with a view to bringing those violations to an end. If,

despite such intercession, the situation persists, the United Nations entity must suspend support to the offending parties;

(e) Actively engage and advocate for a harmonization of funding cycles between humanitarian and development agencies so as to increase the chances of a smooth transition between the largely humanitarian approach adopted up to now in Haiti and a more development rights-based approach, needed to achieve durable solutions and eliminate extreme poverty for all in Haiti.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani

Addendum

Mission to Ukraine*

Summary

The present report contains the findings and recommendations of the Special Rapporteur on the human rights of internally displaced persons resulting from his visit to Ukraine from 16 to 25 September 2014. The objective of the visit was to examine the human rights situation of internally displaced persons (IDPs) following the political upheavals and conflict that have affected, in particular, the Autonomous Republic of Crimea and the eastern regions of Luhansk and Donetsk.

The Government of Ukraine must exercise primary responsibility, rapidly establish more effective systems and step up its efforts to meet the needs and protect the human rights of IDPs. Many fled their homes with few possessions, and thousands remain housed in temporary facilities, reliant on humanitarian assistance. Civil society, churches and volunteers are making heroic efforts, supported by United Nations agencies and non-governmental organizations. However, their capacity and resources are stretched thin and require stronger intervention by government authorities working in close cooperation with them. In view of the lack of comprehensive data on the number, location and needs of displaced persons, full registration and profile of IDPs, including needs assessment, is essential. All registration procedures should be harmonized, and IDPs provided with the necessary documentation to access essential services, pensions, benefits, employment and

* The summary of the present report is circulated in all official languages. The report itself, which is annexed to the summary, is circulated in the language of submission and in Russian only.

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livelihood opportunities, and to vote.

Ukraine is urged to learn from the experiences of similar IDP situations in other countries where internal displacement has become protracted. It should quickly put in place vital policies, frameworks, support structures and programmes to move towards a situation in which protection and assistance are linked to durable solutions.

Taking into account the limited capacity and resources of the Government of Ukraine to adequately address the IDP situation, the international community is urged to assist with immediate support for humanitarian responses and to provide longer-term development assistance for reconstruction efforts.

Annex

[English and Russian only]

Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Ukraine (16–25 September 2014)

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I. Introduction

1. In accordance with his mandate under Human Rights Council resolution 23/8 and at the invitation of the Government of Ukraine, the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, conducted an official visit to Ukraine from 16 to 25 September 2014. The objective was to examine the human rights situation of internally displaced persons (IDPs) following the political upheavals and conflict that have affected, in particular, the Autonomous Republic of Crimea and the eastern regions of Luhansk and Donetsk.

2. The Special Rapporteur met senior government officials with responsibilities relating to IDPs including senior representatives of the Ministries of Foreign Affairs, Regional Development, and Construction and Housing; the First Deputy Head of the State Service for Migration; the Head of the Parliamentary Committee on Human Rights; members of the Presidential Administration; the Ombudsperson; the Head of the Kharkiv regional department of the State Emergency Service of Ukraine; representatives of the Lugansk regional state administration; Governors of Donetsk, Dnepropetrovsk, Kharkiv, and Zaporizhzhya; and the former head of the Crimean Tatar Mejlis (Council of Representatives), Mustafa Dzhemilev.

3. The Special Rapporteur met numerous civil society representatives, IDPs, volunteer and church groups, and members of the international community. He thanks all of those who met with him and provided essential information to inform his visit and report. He particularly acknowledges the excellent support provided by the United Nations and especially the Office of the High Commissioner for Human Rights, Human Rights Monitoring Mission in Ukraine (HRMMU), and the Office of the High Commissioner for Refugees.

4. He shared his preliminary findings with the Government and via the media, and appreciates the willingness of government officials to continue to cooperate with his mandate to guarantee the rights of IDPs.

II. Context of internal displacement in Ukraine

5. Following the Euromaidan protests and mass demonstrations against President Victor Yanukovych and his suspension of a European Union Association Agreement in late February 2014, the Government was ousted following significant violence in the capital, Kyiv, and other regions. An interim government was formed and met with counter-protests in some regions, notably Donetsk, Luhansk and the Autonomous Republic of Crimea—regions with a high proportion of ethnic Russians—on the grounds that, inter alia, it allegedly included far-right and nationalist Ukrainian elements seeking to restrict the rights of minorities, including their language and cultural rights. The activities of pro-Russian separatists escalated in February and early March in the Autonomous Republic of Crimea, with protests against the Kyiv Government and with heavily armed groups, frequently without insignia, occupying key buildings and strategic locations and confronting Ukrainian military personnel with overwhelming force. The self-proclaimed authorities called a so-called "Referendum" on 16 March 2014, following which they claimed to have over 96 per cent support for joining the Russian Federation.[1]

[1] On 27 March 2014, the General Assembly established in its resolution 68/262 that the referendum "had no validity" and upheld the territorial integrity of Ukraine, including Crimea.

6. March and April 2014 saw an increase in protests and the occupation of strategic buildings by armed groups in several cities and towns in eastern Donetsk and Luhansk regions. In response, on 15 April, the Government initiated an anti-terrorist operation. Over the following weeks violent actions by armed groups escalated dramatically and they declared the so-called "Peoples Republic of Donetsk" and "People's Republic of Luhansk" and called "referendums" in May on the future status of those territories. Separatist leaders subsequently announced that, in Donetsk, 89 per cent of voters had opted for self-rule, and that, in Luhansk, the figure was 96 per cent. Sporadic violence escalated into full-scale armed conflict in some regions. At the time of the Special Rapporteur's visit, over 3,600 people had been killed since April 2014.

7. The number of IDPs had dramatically increased since early June 2014, with displacement from Luhansk and Donetsk regions accounting for the vast majority. Data provided by the Office of the United Nations High Commissioner for Refugees (UNHCR) during the visit and compiled from registrations at the regional level by the State Emergency Service and other bodies, officially showed 310,264 IDPs in Ukraine.[2] Those from the Autonomous Republic of Crimea accounted for 17,308, with those from the East numbering 292,956. The Government does not register the ethnicity of those displaced; however, they include ethnic Ukrainians and ethnic Russians, indigenous Tatars and persons belonging to minority groups. There is a disproportionate number of women, children and older persons among those displaced. Men may remain behind to protect property, or resist registering for reasons such as to avoid conscription into the military. All entities concurred that the actual number of IDPs could be up to three times the official registered figure.

8. Despite a ceasefire agreement signed in September 2014, hostilities have continued, thereby creating additional displacement. The possibility that the hostilities in the eastern Donbas region will be prolonged and result in further large-scale displacement cannot be discounted. The Human Rights Monitoring Mission in Ukraine highlighted[3] that, since the ceasefire had begun, between 6 September and 6 October, at least 331 fatalities had been recorded, although some may have occurred prior to the ceasefire. Continued hostilities mean that displacement, initially seen as a temporary measure by the Government and those affected, is becoming longer term, with serious implications for the responses required.

9. The Special Rapporteur was informed by national and regional authorities that they had been taken by surprise by events and the large numbers of IDPs and that they lacked experience in responding. They consistently emphasized that the crisis and resulting mass internal displacement was a result of, and had been fuelled by, aggression by the Russian Federation and its direct and indirect support for armed opposition groups in the affected regions. Government sources emphasized that resolution of the current hostilities and safe return to their homes for IDPs was contingent upon an end to external support to armed opposition groups.

Autonomous Republic of Crimea

10. The Special Rapporteur was unable to gain access to the Autonomous Republic of Crimea, while remaining guided by General Assembly resolution 68/262 of 27 March 2014 upholding the territorial integrity of Ukraine. He was unable to consult with any entities or communities in Crimea or to assess the situation relating to the conditions leading to displacement, or which might result in future displacement. In Kyiv he met civil society

[2] Data released by the State Emergency Service suggests that, as of 2 October, there were 375,792 officially registered internally displaced people in Ukraine.

[3] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15143&

organizations supporting IDPs from Crimea, and the former head of the Mejlis, Mustafa Dzhemilev. Officially, some 17,000 people have left the territory to date; however, actual numbers are higher owing to some not officially registering with the authorities. The territory has become a displacement destination for some, mostly ethnic Russians, who had fled the Donbas region on account of the armed conflict. The situation of IDPs is difficult to assess owing to a lack of access for the United Nations to the region.

11. Those IDPs from the Autonomous Republic of Crimea include ethnic Ukrainians, Crimean Tatars, ethnic Russians and members of other minority ethnic and religious groups as well as mixed families, asylum seekers and foreign nationals formerly resident in Crimea. Numerous factors have influenced their decision to leave and include intimidation and the threat of violence, citizenship issues and pressure to acquire Russian Federation passports and forfeit their Ukrainian ones; and economic and social factors. Ethnic Ukrainians may face intimidation and abuse, for example if using the Ukrainian language in public or being critical of pro-Russian authorities. Some politically active individuals, including leaders of the Mejlis, were banned from re-entering the territory on the grounds of their activities and criticism of the de-facto authorities.

12. According to the Government of Ukraine, several Ukrainian citizens (Ukrainian filmmaker Oleh Sentsov, Oleksandr Kolchenko, Oleksiy Chirniy and Gennadiy Afanasiev) were arrested in Crimea and illegally transferred to the Russian Federation. The Russian Federation authorities have reportedly rejected requests from the Government of Ukraine to release them. These Ukrainian citizens, who are charged with terrorism and, according to the Government of Ukraine, have been tortured and humiliated in Russian detention facilities, have not been granted a meeting with the Ukrainian consular officer.

13. Interviews conducted by UNHCR and the the Organization for Security and Co-operation in Europe (OSCE) indicate that those displaced from the Autonomous Republic of Crimea have lower expectations of return to their homes in the near future than those from the conflict-affected eastern regions. Because of the circumstances and situation leading to their displacement, those from Crimea were generally better prepared, took more belongings and finances for a potentially protracted displacement and may have had greater opportunities to arrange accommodation with relatives or friends than those from the conflict-affected eastern regions. Some decisions to leave may have been based on broader political, social and personal criteria rather than to avoid violence and, consequently, for some IDPs there was an understanding that prospects for return in the short- to medium-term were slim.

III. Frameworks for providing protection and assistance to internally displaced persons

A Legislation

14. In consultations with the Special Rapporteur, all stakeholders stated that legislation on IDPs was amongst their highest priorities, providing a much-needed legislative basis and framework for the protection of their rights and assisting the relevant authorities to swiftly put in place urgently required policy and programme measures. At the time of the visit, draft texts of an IDP law had been prepared that broadly conformed with international

standards.[4] On 20 October 2014, the Law on the Rights and Freedoms of Internally Displaced Persons was adopted by parliament.

15. The law extends a specific set of rights to IDPs, providing protection against discrimination, forcible return and assistance with any voluntary returns. The law also simplifies access to different social and economic services, including social and unemployment benefits and residence registration, required for accessing banking services and registering a business. The adoption of this law requires the Government to start developing an integrated IDP policy. The law will assist the Government in its engagement with international partners and donors and establishes a clear legal framework providing for humanitarian response.

16. Prior to adoption of the law, on 1 October, the Cabinet of Ministers adopted resolutions on the registration of IDPs and on financial assistance for acquiring temporary housing. The resolution on registration provides that the Ministry of Social Policy will take the lead in organizing registration, maintaining a unified database of IDPs, and issuing them a standard certificate. The Ministry of Social Policy is working with UNHCR and experts from Georgia on developing tools for registration and data collection, based on the Ministry's existing system for processing social benefits. UNHCR has shared its experience and suggestions regarding registration. The registration exercise is scheduled to start in mid-October. The resolution on financial assistance allows able-bodied adults to receive a tax-exempt monthly subsidy of UAH 442 (US$ 34) if they are actively seeking employment or have found employment in displacement locations. Those who are not able to work (i.e. children, the elderly and the disabled) will receive a monthly subsidy of UAH 884 (US$ 68) for six months.[5]

17. The financial costs of addressing the challenges of internal displacement are considerable and are largely falling on regional authorities, which have to use existing budgets earmarked for other activities. Regional authorities consistently raised concerns that their financial resources were inadequate to support the immediate or longer-term needs of IDPs. They underscored that they were hampered in their provision of services to IDPs by legal requirements under which their budgets and financial allocations fell. They urged the immediate adoption and implementation of legislation on IDPs, to create the necessary national legal and budgetary frameworks upon which to base their activities in support of IDPs and call upon additional financial resources.

18. In May 2014, the Government had adopted the Law on the Rights and Freedoms of Citizens and the Legal Regime on the Temporarily Occupied Territory of Ukraine, which established a legal framework relating to the occupied Autonomous Republic of Crimea and persons who had left that region of Ukraine. The Law regulates such issues as freedom of movement between Crimea and areas under the control of the Government of Ukraine, transit documentation and replacement of identity papers, access to unemployment benefits, and the right to vote. The law does not refer to other territories, since the events in the Donbas region took place after the passing of the law. It was noted that legislation on internal displacement should be harmonized to ensure that there were no undue differences in treatment for those from Crimea and those from other regions.

[4] The Special Rapporteur recommends that consideration be given to amending certain features of the law. Criteria stipulating that IDPs must be citizens of Ukraine do not conform to international standards, under which resident non-citizens may also be IDPs.

[5] Exchange rates at the time of the visit.

B. Registration, data and needs assessment

19. At the time of the Special Rapporteur's visit there was no unified, coordinated national registration system for IDPs in Ukraine. Registration was undertaken at a regional level by the State Emergency Service and some non-governmental service providers, which were each developing their own systems. However, while some registration systems seemed to be efficiently run and managed via sophisticated computer software, others appeared to be based on paper records or left to volunteer service providers, who record those to whom they provide assistance on an ad-hoc basis.

20. Registration and issues relating to documentation is frequently a challenge for States responding to displacement situations and this is no less the case in Ukraine. It is imperative for all the relevant national bodies to achieve accurate data on the number, location and status of displaced persons as soon as possible and to establish a secure and complete database on IDPs. At the time of the Special Rapporteur's visit, there were no accurate statistics on the numbers and profile of displaced persons or any adequate form of registration. Many have sought their own solutions to housing and other needs through family or other ties and have not officially registered with the relevant authorities, not seeing any benefit in registration.

21. As an important short-term step, appropriate documentation should be issued enabling access to essential service providers and services. Procedures for displaced persons to temporarily register as residents in their current locations are also necessary to enable them to avoid administrative or documentation barriers to their securing work, shelter or payment of pensions or other benefits. Coordination across government agencies should be improved to ensure assistance can be quickly provided to displaced persons, who frequently have few, if any, financial resources left and are dependent on continuing access to their entitlements.

22. The majority of IDPs are unregistered and have found accommodation with relatives or friends. While many are fending for themselves it must not be assumed that their situation is satisfactory. It is important for the authorities to understand and assess their conditions and those of families who may be hosting them, and to identify difficulties that they may be experiencing and their essential needs. All possible efforts should be made to conduct outreach and provide information to those IDPs who may be widely dispersed in private accommodation, particularly in locations estimated to have received high numbers of IDPs.

C. Preparedness structures, systems and institutions

23. The Cabinet of Ministers of Ukraine established an inter-agency task force in June 2014 under the Deputy Prime Minister, Volodymyr Groisman, to respond to the developing crisis. The Ukrainian State Emergency Service (SES), the government entity in charge of protecting the population and territory from any emergency situations, was tasked to lead the humanitarian response, while the Ministry of Social Policy functions as a Ministry-level focal point for IDP issues and the direction and coordination of assistance at regional levels. A new government coordination agency is envisaged, to take overall responsibility for IDP issues, but was yet to be established. The regional visits undertaken by the Special Rapporteur indicated the important role of regional governors and mayors in driving the response to internal displacement through both formal means and more informal business and other contacts. Civil society and volunteer groups frequently described government responses as ad hoc and reactive.

24. The State Emergency Service is playing an important, front-line role in receiving, registering and referring IDPs to other service providers. The Special Rapporteur consulted senior members of the Service as well as those conducting registration and other functions in direct contact with IDPs in locations including Kharkiv, Mariupol and Zaporizhzhya. In Mariupol and Zaporizhzhya, he visited reception and registration centres which were well organized and efficiently run and in which a registration and needs assessment process was under way. Such centres provided a stamped document indicating official registration as an IDP, which was then required to be produced at a later stage for various forms of assistance.

25. The State Emergency Service deserves praise for its efforts and accomplishments to date. Nevertheless the Service is required to take on a role which is beyond its normal functions, experience and responsibilities. Its staff and resources should be returned to their normal duties as soon as possible and replaced by specialist reception and service teams. It was evident that an important function of Emergency Service staff was as a first-contact and information point. Thereafter new arrivals would be put in contact with a range of non-governmental and volunteer service providers.

26. The State Migration Service, the executive body responsible for migration management, has been contributing to the management of the humanitarian response to the crisis and has a potentially important role in assisting individuals to obtain new residential registration documents. However, laborious procedures and long delays were reported by some of those seeking to re-register their residence documents or receive new or duplicate documents.

D. The role of volunteers

27. The Special Rapporteur met volunteers working with Crym SOS and Kharkiv Station, and others providing services in receiving areas he visited. They are doing heroic work and selflessly dedicating their time to assisting IDPs. Many are young people, students, some IDPs themselves, and even some with full-time jobs who assist in their spare time. Volunteers consistently expressed the need for greater support from the Government. It was evident that in collective accommodation centres the majority of those providing assistance were unsalaried volunteers who performed a range of necessary functions, including administration and registration, liaison with other service providers, provision of information, sorting and distribution of food, clothing and other provisions, cooking, cleaning and a range of other tasks.

28. Despite their tireless efforts, the pressures that volunteers are facing are immense. In many locations the Special Rapporteur witnessed long queues in corridors and in dilapidated reception centres as well as at food and clothing distribution points. Volunteers and United Nations staff members in one location noted that piles of donated clothes could not be distributed because volunteers to sort them were lacking. Volunteers described long working hours to assist those in need and the continuing inflow of new arrivals requiring assistance. The onset of winter placed increasing demands upon volunteers, while the conditions under which they worked became more challenging.

29. The continuing reliance on volunteers is unsustainable and alternative staffing solutions should be found that take into account the possibility of further displacement flows from armed conflict-affected areas and the realization that displacement is becoming protracted. Current volunteers may need to seek paid employment or return to their regular jobs or studies, or may otherwise become unavailable, sometimes as a consequence of the stress and workload that they are experiencing. Grants or other forms of short-term employment contracts for volunteers should be considered, to compensate them and ensure that they are able to continue their assistance if they are not otherwise employed. In view of

parliament resolutions providing monthly payments to IDPs this may be particularly appropriate.

IV. Critical humanitarian and human rights challenges

30. The Special Rapporteur directly consulted IDPs on their situations in all regions that he visited. At the time of his visit, in the Kharkiv region they were mostly accommodated in private houses and apartments, while there were 12 collective accommodation centres. In western parts of Donetsk region, which are under government control, they were mainly housed in summer camps and in rented houses and apartments. In northern and western parts of Luhansk region they were mostly in private houses and apartments, with a relatively small number housed in summer camps and other collective accommodation centres.

31. Numerous individuals described the circumstances under which they had fled. Some were visibly traumatized as they described regular indiscriminate shelling of their areas and the destruction of their homes. Some described witnessing people killed and injured, and having to endure periods of fear and uncertainty. Many had left with only what they could carry to reach places of safety and in the hope of a quick return to their homes. For many, their financial resources have been exhausted and they rely on humanitarian assistance for all their shelter, food and other needs. Lack of payment of pensions or other financial benefits or difficulties accessing bank accounts were common problems.

32. The Special Rapporteur visited a collective accommodation centre near Kyiv run by the Protestant Church Union, with support by UNHCR. Approximately 196 people, including 44 children, were housed in a hangar without external walls, in a former industrial facility. Rows of bunk beds were arranged in close proximity and separated by blankets or tarpaulins. Families and individuals were allocated sleeping space, with specific areas provided for families. A kitchen and eating area and play area were provided outside and washing and toilet facilities were also available close by. Services and funds were provided by volunteers and donations of food, clothes and toys were being made by the church and residents of Kyiv. No heating was installed and Church leaders noted that they had sought urgent meetings with authorities to highlight the problem, but expected to have to relocate residents to winter accommodation.

33. In Kharkiv, the country's second city, the Special Rapporteur visited the railway station, in which volunteers and members of the State Emergency Service have established a reception centre where new arrivals are registered, receive information, and may stay for up to two nights in disused railway carriages or station buildings. Some collective accommodation centres visited by the Special Rapporteur in Dnipropetrovsk, Zaporizhzhia and Mariupol, housing hundreds of people, had basic and cramped conditions, poorly maintained buildings frequently without heating, inadequate shared bathrooms and toilets and only basic cooking or washing facilities. The Special Rapporteur was sometimes informed of building improvement plans; however volunteers consistently expressed concerns that such plans or alternative relocation of IDPs to winterized accommodation were not being implemented.

34. The living conditions and well-being of those IDPs who have not registered and who have found accommodation and support with family or friends remains difficult to assess. Nevertheless it is reasonable to assume that challenges include lack of space and facilities in family homes, shortage of food and pressure on finances. It may be the case that for some it is not sustainable to remain with family or friends for long periods and that they may need to consider alternative options, potentially further increasing the pressure on collective accommodation centres. The Special Rapporteur met families who had found

refuge in collective centres after having first stayed with relatives, citing the burden they caused to relatives as a reason for leaving.

A. Winterized accommodation

35. At the time of the Special Rapporteur's visit, the situation was particularly concerning as winter approached. The highest priority for many IDPs was winterized accommodation. Many remained housed in collective centres, summer camps, summer houses lent to them and other facilities inappropriate for winter conditions. The upgrading of such facilities or the relocation of thousands of persons to more suitable accommodation was required. The need for action was urgent and needed to be a high priority for national and regional authorities and all stakeholders. The Special Rapporteur was encouraged by meetings with regional authorities, which acknowledged the problem but expressed concerns over their ability to respond within their existing budgets and resources. They underlined the need for legislation on IDPs and central government assistance.

36. It was evident that recognition of the impending winter accommodation problem was not being matched with appropriate responses. The Special Rapporteur emphasized that identification of accommodation that was adequate for winter conditions or could be rapidly winterized was an urgent priority for all governments and international organizations. While some regional authorities stated that they had identified land for the construction of buildings and were developing plans, construction projects might not be ready to accommodate individuals for some months and it remained imperative to identify existing appropriate buildings. The Special Rapporteur visited a disused hospital in Mariupol in a poor state of repair that was identified as a potential accommodation centre. It remains necessary to ensure that provision is made for a possible increase in the number of IDPs requiring accommodation.

37. It is essential that IDPs are fully informed and consulted about the accommodation options available to them to enable them to make informed choices and consider all options. The Special Rapporteur was alerted to concerns regarding possible gas shortages over the winter months which, if not resolved, might lead to additional heating problems, particularly for the poorest and most vulnerable, including many displaced persons.

B. Food, clothing, health care and education

38. Many IDPs have exhausted their financial resources and rely on humanitarian assistance, including for their access to food. While the public response, including donations of food, has been excellent, it is likely that such donations will decrease over time and alternative sources will soon be required. One volunteer described large quantities of food being left in collection boxes early in the crisis, but stated that they were now almost empty. NGOs are overstretched and short of essential supplies. The problem of access to food is exacerbated by the onset of winter, creating new and heightened challenges relating to the supply and distribution of foodstuffs, as well as communal cooking facilities and fuel.

39. In some facilities that the Special Rapporteur visited, space considerations and available facilities required volunteers to distribute food, clothes and other assistance in outside distribution locations where people would queue, often for considerable periods. In some locations, kitchen and eating facilities were also located outside of the main accommodation buildings. Such facilities would not be viable in cold weather conditions and alternative solutions would be required to enable people to queue to obtain food

products in indoor facilities close to their places of accommodation. Equally, non-food items such as cooking sets were required.

40. Many were displaced over the summer months, with the expectation of a rapid return, and were able to carry few belongings with them. Many fled without winter clothing adequate for the harsh winter temperatures. Displaced persons and volunteers expressed concerns regarding provision of winter clothing, particularly necessary for those living in poorly heated or insulated accommodation, as winter temperatures regularly reach -20° Celsius. The elderly are highly vulnerable to the cold and require plentiful warm clothing and blankets in addition to being housed in winterized accommodation. Those from the eastern regions often left with few belongings, including clothes, owing to the urgency of their flight to avoid the conflict.

41. While it was evident that the general public had made significant donations of clothes, concern was expressed regarding the provision of suitable winter clothing, including coats and boots, as well as the shortage of volunteers to sort and distribute clothing effectively. Some initiatives to provide winter clothing were under way and effective. In Mariupol, UNHCR was working closely with local authorities and private business to ensure the provision of good quality warm children's clothing. Upon registration of families, the children's sizes required were noted, enabling local producers to meet the requirements precisely.

42. The Special Rapporteur learned that those with chronic health conditions may face difficulties in accessing care that they may urgently need. While free basic primary health care is in place in most localities, it is important to ensure that those in need of urgent medical care or with chronic medical conditions are swiftly identified and that provision is made for their treatment. Some IDPs indicated that they did not have access to essential medicines, which were not available to them free of charge. The authorities acknowledged the problem of access to medicines and noted that they were attempting to respond to needs on a case-by-case basis.

43. The provision of reproductive health care for pregnant women is a priority in terms of their access to specialist medical assistance, winterized housing and other essential services. Numerous stakeholders also noted the psychological impact of stress, trauma due to proximity to armed conflict and subsequent displacement experiences. Children may be particularly affected by their experiences. Counselling is being made available to IDPs by specialists who frequently volunteer their time to assist them. Nevertheless such services may be inconsistent or short-term in nature and a needs assessment is required to fully understand the extent of requirements.

44. The Special Rapporteur was informed that most school-age internally displaced children are able to continue their education through temporary registration in local schools at the beginning of the school year, which coincided with his visit. He considers this to be a significant and important achievement, rapidly addressing education needs and ensuring that internally displaced children do not fall behind in their studies. Nevertheless the situation should continue to be closely monitored to ensure that all internally displaced children have access to quality education. A number of challenges in the field of education remain to be addressed.

45. A shortage of kindergarten places was consistently highlighted, restricting younger internally displaced children from gaining places; however this shortfall also affects the general population. Any preferential treatment for internally displaced children may be poorly perceived by some parents. Where possible, temporary and creative solutions should be considered, which may include providing work for suitably qualified or experienced internally displaced teachers. This may, for example, enable them to establish temporary or longer-term kindergarten and childcare facilities which might also provide some income to

women and enable other women to consider part-time employment opportunities while their children are cared for.

46. Owing to the traumatic experiences of some internally displaced children, it is important to monitor their psychosocial wellbeing to ensure that necessary counselling or support is provided. Sensitivity should be exercised to ensure that internally displaced children do not face any stigmatization, bullying, discrimination or exclusion on account of their situation. In addition, internally displaced children may experience difficult circumstances and require special assistance, for example with regard to meals, clothes and school materials. It was noted that some parents were not sending their children to school, primarily on account of their expectation of a rapid return to their places of origin. Where displacement becomes longer term, all children must have access to appropriate education at all levels.

47. Those students enrolled in higher education in their places of origin are frequently unable to continue their studies in their new locations owing to shortage of places, lack of financial resources to cover fees and inability to transfer fees or scholarships from their previous education institutions. The Government, in coordination with education institutions, is urged to consider solutions to ensure that students who have paid fees or received scholarships are able to continue their studies while also ensuring that there is no unfair impact on other students, for example, resulting in their losing places owing to preference being given to IDPs. Lack of places at institutions of higher education may be a challenge to the enrolment of IDPs.

C. Employment

48. A frequently stated problem for IDPs is finding employment and income-generating opportunities. Some have had the personal and financial resources to set up small businesses or to locate work opportunities. However, several of those interviewed described barriers to employment, including problems with residence registration in their places of origin, their work records—required by prospective new employers—which are still with former employers, and discrimination when they identify themselves as displaced persons. Some described negative reactions by potential employers in relation to their situation, where they are from and the fact that they may not stay long term. Without access to employment, many will need social benefits as guaranteed by law, placing further stress on public finances.

49. Current economic conditions in some affected regions have resulted in high unemployment rates among the general population. The industrial heartland of Ukraine, in the eastern provinces, has been dramatically affected by the armed conflict. It is therefore not easy for labour markets to absorb an influx of IDPs. Those with professional or specialist skills have greater opportunities, and evidence suggests that some have found the resources to set up small businesses in relocation areas. Challenges to finding employment may be experienced by those without skills, women with young children, the elderly and those lacking the required documents. Some have not sought work owing to the uncertainty of their situation and their desire to return to their places of origin as soon as possible. Equally, some skilled workers may be reluctant to accept available low-skilled work.

50. Employment and livelihood programmes and initiatives are required for those who are unable to return to their former employers or livelihoods, or who have had their business premises damaged or destroyed.[6] Some short-term initiatives to link IDPs with

[6] According to OHCHR, some 40,000 small and medium-sized businesses in the Donetsk and Luhansk

prospective employers have begun, mostly by means of the provision of information boards in reception centres. As displacement is becoming protracted, urgent consideration of employment and livelihood initiatives must be considered, including public works programmes and construction and renovation projects that might also provide suitable short- or longer-term accommodation solutions.

D. Property rights

51. The status of property belonging to IDPs in their places of origin in the Autonomous Republic of Crimea and in Luhansk and Donetsk regions is inevitably an issue of considerable concern for affected persons and authorities. The homes of many of those displaced from the east of Ukraine have been badly damaged or destroyed by shelling. Others who fled the fighting abandoned their homes and may not know whether they remain intact. It is evident from interviews conducted with IDPs that in numerous cases individuals—frequently male family members—may have remained in unsafe or occupied locations in order to protect property and belongings, potentially putting themselves at risk. Available statistics also indicate a far higher percentage of internally displaced women and children than men.

52. The Special Rapporteur was informed by a number of those IDPs and others whom he consulted that persons who had left regions that were under the control of the armed groups were beginning to receive telephone calls or messages informing them that if they did not return within a matter of days their property would be confiscated. While unconfirmed, such reports were creating concern amongst IDPs. They might lead some to return prematurely to locations that may not be safe in order to reclaim their property, potentially putting them at risk. Further unverified reports indicated that persons wishing to leave affected regions were required to register before departure and to pay bribes in order to be allowed to leave with their belongings.

53. For those internally displaced from the Autonomous Republic of Crimea, property issues are no less concerning. Uncertainty over the long-term status of the territory and the implications in terms of property rights for those who fled the region remains. NGOs representing IDPs noted that it is currently not possible to sell property, including houses and apartments or cars, in the Autonomous Republic of Crimea owing to the change in the de-facto authorities and to administrative and bureaucratic procedures not being fully operational. Some commentators report that a further flow of displaced persons may occur as such issues are resolved and those in Crimea who do not wish to stay, but who have remained to look after property, are eventually able to sell their homes.

54. For those who become permanently displaced owing to an inability or unwillingness to return to their places of origin, durable solutions will be required that should include solutions to outstanding property issues. Where property has been permanently lost, appropriate compensation based on the value of the property lost or the provision of property of commensurate value should be provided by the appropriate authorities. For those who return to their properties to find them occupied, all ownership rights are retained by the legitimate owners and the property should revert to them.

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regions have ceased activity owing to the fighting, leaving thousands without an income.

E. Particularly vulnerable groups

55. Some IDPs are particularly vulnerable and have specific medical and support needs. The Ministry for Regional Development highlights that 34,700 persons with disabilities and older persons were internally displaced as of 8 September 2014. The Special Rapporteur met some individuals with disabilities and older persons and noted their particular concerns, which included lack of access to essential medicines and to necessary specialist support. The ability of such individuals to cope in unfamiliar conditions without regular support networks is severely hampered and some whom he met were clearly distressed. A localized assessment of the needs of the most vulnerable people should be undertaken as a priority, with a view to ensuring that facilities provided fully reflect their physical and emotional needs and ability to cope.

56. Representatives of the Roma community raised concerns about the estimated 1,000 Roma displaced as of 18 August owing to the prevailing insecurity.[7] Roma reportedly face discrimination and marginalization even under normal conditions and are among the poorest in society. It was emphasized that many Roma lack documents and are therefore in a precarious position. Lack of documents hampers the ability of Roma to register as displaced persons and consequently they may face serious barriers to access to assistance including accommodation, food and clothing. Roma may be isolated, reluctant to engage with the authorities, and lack access to information about available services. The authorities must provide outreach to Roma and ensure that no discrimination exists in access to essential services for them or other marginalized groups.

F. Prevention of discrimination and stigmatization

57. The Special Rapporteur has been impressed by the level of societal support for IDPs, which has been evident through donations of food, clothing and other assistance by the general public and the work of volunteers. However, he also heard reports of some stigmatization and discrimination experienced by some individuals. It is important to address any discrimination against displaced persons and any tensions that exist before they are allowed to escalate. While the Special Rapporteur was not informed of significant tensions, he did receive some anecdotal evidence of emerging tensions between host communities and displaced persons and warned that measures should be taken to ensure that such issues do not escalate.

58. As the political situation has evolved, some described a growth in negative perceptions towards IDPs, which impacts on how those who have been internally displaced, particularly those from the east, are viewed, and could affect their integration. Some are perceived to be separatist sympathisers or unpatriotic on the basis of their places of origin, which may impact on reactions to them in host communities, and their ability to gain employment or to integrate easily into new localities. It was noted that some internally displaced men may not register officially or seek to re-register their residence status, in order to avoid conscription into the armed forces. Reactions to IDPs from the east among those who have had family members recruited into the armed forces may be particularly negative in such cases. While IDPs should abide by national laws, including conscription laws, the fact that their families are in a displacement situation, with the loss of their usual social environment, possible trauma and lack of livelihood opportunities should be taken into account by the authorities when deciding whether to enrol them for military service.

[7] UNHCR, Profiling and Needs Assessment of Internally Displaced Persons (18 August 2014).

59. Host communities or families which are already poor may find their resources severely stretched by the need to accommodate and support IDPs. Care is required to ensure that host communities or families providing shelter do not suffer shortages or other negative impacts. Where necessary they should have access to some of the appropriate support and assistance mechanisms that are available to the IDPs.

60. Personnel of regional authorities in conflict-affected areas and those displaced reported that some senior and junior officials were facing prosecution for their activities while under the de-facto authority of the self-proclaimed "Donetsk people's republic" and "Luhansk people's republic". Many officials continued to carry out their duties in areas taken over during the period. Charges, including accusations of collaboration, have been made against some officials. Officials in some eastern regions suggested that they are viewed with unjustified suspicion by the national authorities, which may impact on the support that they receive.

G. Gender issues and prevention of sexual and gender-based violence

61. Internally displaced women may face particular challenges on the basis of their gender, identity and situation of displacement. They may be vulnerable to sexual and gender-based violence both during the period of displacement and in displacement destinations. Displacement may involve travel through militarized zones and checkpoints controlled by both sides, which may make women passing through them highly vulnerable to sexual violence or other forms of human rights abuse. In displacement destinations they may be separated from their spouses, or find themselves in vulnerable situations owing to the cramped conditions in which they live. Lack of financial resources may make some women more vulnerable to exploitation or trafficking, particularly those who may not have access to support mechanisms and services.

62. The Special Rapporteur notes that he was not informed of cases of sexual or gender-based violence against internally displaced women by those whom he met or the authorities and others supporting them in the various locations that might indicate a pattern or practice of violence against women. Nevertheless, the threat of such violations potentially targeting women fleeing armed conflict by combatants and armed groups or other non-combatants must be taken seriously and any incidents or allegations of such violations investigated and monitored. Many of those leaving armed conflict-affected areas have not registered with the authorities and may not have been in a position to report abuse or violence. No assumptions should be made that sexual or gender-based violence is absent.

H. Detention and filtering of internally displaced persons

63. Some reports were received regarding allegations of detention and ill-treatment of individuals, including IDPs, by armed groups in territories which they control, and personnel of the Ukrainian armed forces. Those leaving areas of conflict are required to pass through frequent checkpoints on both sides of the line of contact, during which time they may be particularly vulnerable to violation of their rights by military personnel or unidentified others manning checkpoints. Reports indicate that younger males, particularly, have been subject to detention, interrogation, theft of their property, forced recruitment into armed groups and forced labour, for example to dig trenches or other military installations. Unverified reports of enforced or involuntary disappearances were communicated to the Special Rapporteur.

64. Armed groups have been accused of arbitrary detention and ill-treatment of some considered to be Ukrainian sympathizers in the areas under their control. Those returning to

eastern regions either to remain or temporarily to regain property are vulnerable to abuse of their rights, for example at checkpoints. Equally, unverified reports suggested that Ukrainian volunteer battalions, including "Aydar", "Dnipro-1", "Kyiv-1" and "Kyiv-2", are responsible for enforced disappearances, arbitrary detention and ill-treatment of some IDPs and of "filtering" to identify those who are accused of separatist activities or sympathies. The Special Rapporteur reminded the Government and all armed groups that, under international standards, IDPs must be free from arbitrary arrest and detention, torture and ill-treatment or any violation of their rights.

V. Achieving durable solutions

65. The situation of many IDPs is likely to be protracted owing to the nature of the political and military situations in both the Autonomous Republic of Crimea and affected territories in Donetsk and Luhansk. The prospect of the situation in Donbas evolving into a "frozen conflict", under which some regions remain outside the administrative, political or military control of the Government of Ukraine is increasingly possible, and will have a significant impact on the possibility of, and desire for, return for some IDPs.

66. Reports received by UNHCR indicate that some IDPs have been returning to their places of origin, including areas regained by the Ukrainian military under its Anti-Terrorist Operation, and that others have been returning to the areas controlled by the armed groups. Precise figures were unavailable at the time of the visit. UNHCR did not recommend return to some locations owing to concerns including ongoing and indiscriminate shelling, as well as lack of infrastructure and basic necessities, such as water, electricity and food in some locations. Nevertheless some individuals return either with a view to staying permanently and reclaiming property, or for shorter periods to gather belongings such as winter clothes.

67. Some IDPs may face physical impediments to their return to their area of origin by de-facto authorities such as border or visa requirements or bans imposed on account of their political or other allegiances. While many others may not face such impediments, the political and social reasons for their initial flight may remain unresolved and include the threat or fear of persecution or violence; political affiliation and/or the desire to remain Ukrainian and not fall under another authority or be required to change citizenship; economic factors including the loss of property or employment without the prospect of compensation; and numerous other social and personal factors. Owing to the complex dynamics of nationality, territory, geopolitics and personal identity, many will be faced with a difficult equation regarding a decision to return to their former homes in the Autonomous Republic of Crimea or the affected eastern regions. Any decision to return must be entirely voluntary.

68. In view of the possible protracted displacement it is essential that government puts in place policies, frameworks, support structures and programmes to ensure durable solutions.[8] It is imperative that short-term, transitional solutions, such as temporary

[8] According to The Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons a durable solution is achieved when IDPs no longer have any specific assistance and protection needs that are linked to their displacement, and can enjoy their human rights without discrimination on account of their displacement. This can be achieved through sustainable reintegration at the place of origin, sustainable local integration in areas where IDPs take refuge, or sustainable integration in another part of the country. IDPs who have achieved a durable solution enjoy, without discrimination: long-term safety, security and freedom of movement; an adequate standard of living, access to adequate food, water, housing, health care and basic education; access to employment and livelihoods; and access to effective mechanisms that restore their housing, land and

collective accommodation centres and modalities for the provision of food, clothing, financial support, health care and education, are not mistaken for durable solutions. If a displacement situation becomes extended, suitable housing must be provided, for example, that allows IDPs to live in dignity in accommodation appropriate to their needs and their family requirements with regard to available space, privacy, facilities and proximity to services, and employment and livelihood opportunities.

69. It is essential that Ukraine learns from the experiences of countries facing similar internal displacement challenges, such as Georgia, Azerbaijan and Serbia, in which internal displacement has become protracted and durable solutions were delayed or neglected. Lessons must be learned from such situations to help Ukraine as it puts in place the necessary frameworks, structures and programmes to address the IDP situation, and moves towards a situation in which many of those currently displaced can envisage secure and supported return to their places of origin, or other appropriate durable solutions.

VI. The role of the international community

70. The ongoing crisis and consequent humanitarian and human rights challenges are of a magnitude which is beyond the capacity of the national Government to respond to effectively. The current capacity and resources of United Nations agencies and other international and national NGOs are also stretched thin and are insufficient to respond to existing needs, let alone the consequences of possible further displacement. As winter approached, the pressure on all entities providing support to IDPs increased and they required greater support and financial resources. The international community has an important role in this respect.

71. In August 2014, the humanitarian community together with the Government issued a Preliminary Response Plan to guide the humanitarian response in the country.[9] It required US$ 33.3 million in the fields of preparedness, humanitarian response and its coordination, and national legislation to monitor the humanitarian situation, particularly in the areas affected by violence, IDP-receiving areas and the areas of potential return, and to support livelihood opportunities, basic services and reconciliation programming in post-conflict areas.

72. Immediate needs include the provision of both food and non-food items and the rapid construction or renovation of suitable accommodation in displacement locations. Longer-term assistance and reconstruction efforts are also required to enable people to return to their homes. Infrastructure projects to restore water, electricity and other essential services must also be rapidly put in place.

73. The Special Rapporteur discussed with government and United Nations officials the importance of early engagement in order to support self-reliance, livelihoods and socioeconomic opportunities for IDPs and host communities. An important initiative is a proposed European Investment Bank programme to restore the infrastructure of the areas affected by fighting and meet the urgent needs of displaced persons. Early engagement by development actors is essential and should be encouraged and replicated where required.

property or provide them with compensation.

[9] See http://reliefweb.int/sites/reliefweb.int/files/resources/ENG_Ukraine%20Preliminary%20Reponse%20plan%20-%20final%2018.08.14.pdf. See also http://reliefweb.int/report/ukraine/un-funding-requirements-humanitarian-preparedness-and-response-ukraine-15-aug-31-dec.

VII. Conclusions and recommendations

General comments

74. Government representatives frequently stated that Ukraine had been taken by surprise by the crisis and the subsequent high numbers of IDPs and that they were not experienced in dealing with internal displacement situations. The numbers of those displaced had escalated rapidly as a consequence of the armed conflict and the actions of armed opposition groups and those supporting them, and of the Government's subsequent Anti-Terrorist Operation. The national and regional authorities were unprepared administratively and logistically to cope adequately with the large numbers of IDPs.

75. Hostilities in the eastern regions of Ukraine have caused massive internal displacement and untold suffering both to those displaced and to those remaining in areas affected by the hostilities. It is essential for all parties to the hostilities to bring the fighting to an end without delay, to protect civilians and to adhere fully to the provisions of peace agreements, including the Minsk Agreement of September 2014. This is critical to the prevention of further internal displacement and to ensuring the future secure return of IDPs to their homes on a voluntary basis.

76. Reaffirming General Assembly resolution 68/262, on the territorial integrity of Ukraine, measures must be taken to protect the rights of IDPs affected by the occupation of the Autonomous Republic of Crimea.

77. Credit must be given to regional authorities that have taken effective steps to respond quickly to the situation despite limited resources. In Dnepropetrovsk, Kharkiv, Mariupol and Zaporizhzhya, the Special Rapporteur was impressed by the commitment of the authorities to meet the needs of IDPs. Nevertheless, to date the national Government's support for its regional counterparts has been inadequate and lacking in leadership. It is characterized by a reactive rather than anticipatory approach that indicates a lack of acknowledgement of the extent and probable duration of the IDP situation.

78. The budgetary resources of government bodies, in particular regional entities, are stretched far beyond their ability to respond adequately to the IDP situation. Nevertheless, to the fullest extent possible, they should focus their efforts and attention, and dedicate the necessary resources, towards the needs of IDPs who face urgent, and in some cases potentially life-threatening conditions. Urgent and substantial international assistance is required to address the issue.

Legislation

79. The Government must ensure that it complies fully with its obligations under international standards, including the Guiding Principles on Internal Displacement, for all those IDPs within its territories, and guarantee all their human rights without discrimination.

80. The adoption in October 2014 of the law on the rights and freedoms of internally displaced persons is welcomed, although some revisions may be required to bring it fully into line with international standards. It will enable more effective responses to the needs of IDPs, with appropriate budgets in place. Full and rapid implementation of the Law is now of paramount importance and the Government should establish a clear roadmap and implementation strategy to ensure that it takes effect without unnecessary delay.

Registration, data and needs assessment

81. **Registration procedures are currently ad hoc and inadequate to meet the needs of IDPs, creating obstacles to their access to essential assistance, provision of social benefits and residence registration, inter alia. Registration should be harmonized for IDPs, with documentation for access to essential services and the chance to gain employment and livelihood opportunities, and to vote in elections.**

82. **Noting the lack of comprehensive data on the number, location and needs of IDPs, full registration and profiling, including a comprehensive needs assessment, are essential. This should extend to the many who are unregistered and not receiving government support with regard to housing, food and other essential needs. Data should also be gathered on the needs of families and communities hosting IDPs that may be significantly affected and also require assistance.**

Preparedness structures, systems and institutions

83. **It is evident that there is no coherent coordination mechanism with, and between, national and regional administrations. Frontline services are mostly provided by volunteers, civil society and regional administration authorities, with the support of UNHCR. Registration systems are not harmonized. There is an inadequate organized response to the internal displacement situation in Ukraine.**

84. **Responsibility and coordination across government ministries, agencies and services is currently unclear and inadequate to respond effectively to the situation. Now that legislation is in place, systems, processes and institutional mechanisms should be improved to ensure that assistance can be quickly provided to IDPs, who commonly have few, if any, financial resources and are dependent on continuing access to their pensions and other benefits.**

85. **On the basis of the Law on IDPs, priorities must include: a harmonized and coordinated registration process to be used both regionally and nationally; clearly defined responsibilities for issues related to displaced persons and support for them under the general leadership of a dedicated government body; and the establishment of long-term planning and a national strategy to address the short-, medium- and long-term needs of IDPs and the need for durable solutions.**

The role of civil society and volunteers

86. **Volunteers and church-based groups are making heroic efforts around the country, supported by United Nations agencies and NGOs. Their capacity and resources are stretched thin and require stronger intervention by government authorities working in close cooperation with them. The weight of responsibility on voluntary and civil society organizations must be lifted through more direct intervention by government authorities. Specific initiatives to support their efforts, including financial assistance and the transfer of key responsibilities and services to salaried staff, should be considered.**

Winterized housing

87. **At the time of his visit, no collective accommodation facilities visited by the Special Rapporteur were appropriate for winter temperatures. Winter caused increasing hardship for many who fled with few possessions, thousands of whom were housed in such facilities. The Government must ensure as an urgent priority that appropriate accommodation, including winterized shelter where necessary, is provided for all IDPs, to alleviate the severity of the challenges. The Government**

should take every measure to ensure that no one lacks access to heated housing in which they can live in dignity.

Food, clothing, health care and education

88. Addressing urgent needs in the area of provision of food, clothing, health care and education must be a high priority for national and regional governments to ensure the health and well-being of IDPs. Provision of essential assistance cannot be left to voluntary contributions from the general public or non-governmental organizations as has been commonplace in the response in some regions to date.

89. A coordinated, government-led assistance strategy, in cooperation with regional authorities, and United Nations and other international entities as appropriate, is required to ensure that adequate food, clothing and other essential non-food items are provided in a systematic and timely manner. This is especially important in winter and for children, the elderly, persons with disabilities and other particularly vulnerable persons.

90. While primary health-care needs are being met, including psychosocial care, free access to medicines must be provided for all IDPs who lack resources. The specific health-care needs of pregnant women, the elderly and disabled persons must be given a high priority. Access to education for internally displaced children has largely been facilitated. However, specific challenges include access to kindergarten places, ensuring all children are attending school, and assisting students to find places to continue higher education courses without additional costs.

Particularly vulnerable groups

91. Specific attention should be given to the situation of particularly vulnerable groups, including the elderly, persons with disabilities, pregnant women and others who are poorly equipped to cope with displacement, distressed or vulnerable to illness. A comprehensive needs assessment should be conducted in each displacement location.

92. Particular attention should also be given to those IDPs belonging to marginalized groups or minorities such as Roma to ensure that all have equal access to assistance and support services and that no discrimination exists with regard to their seeking and gaining assistance. Lack of documentation should not be a criteria for denying assistance and pro-active outreach to such population groups should be undertaken.

Discrimination and stigmatization

93. Discrimination or stigmatization of any kind targeted against IDPs on account of their situation, identity or political or other affiliation must be addressed immediately.

Detention/filtering of internally displaced persons

94. Allegations of civil and political rights violations by the armed groups and Ukrainian forces, including volunteer battalions, require independent investigation. All sides must conform to all human rights standards in the treatments of IDPs, including ensuring that they are free from arbitrary arrest and detention, torture and any ill-treatment. Equally, it is important to ensure freedom of movement and residence for IDPs, including their potential secure return to their places of origin.

Property rights

95. **Ownership of property should be retained, even for those unable or unwilling to return to the Autonomous Republic of Crimea or affected regions of eastern Ukraine. In such cases, the sale of their properties should be facilitated, on a voluntary basis and at market values. Those who wish to retain their property should be permitted to do so without risk of its unauthorized occupation, confiscation or sale. Where property has been damaged or destroyed, adequate compensation should be provided to owners by the appropriate authorities and within a reasonable time frame.**

Achieving durable solutions

96. **Consideration of relevant durable solution options must be included in national laws and policies for IDPs and addressed at the earliest possible stage. National and regional authorities should establish integrated planning informed by displacement dynamics and ensure that urban development and upgrading plans, as well as poverty reduction plans, include aspects specific to internal displacement. It is imperative that the authorities ensure full participation of IDPs in processes that address durable solutions, and undertake consultation with communities and neighbourhoods to address their broader concerns.**

97. **Ukraine is encouraged to learn from the experience of similar situations, including in the Balkans and Caucasus regions, where internal displacement has become protracted. It is vital to ensure that short-term or transitional solutions, for example regarding accommodation, do not become permanent. Lessons can be learned to help Ukraine put in place vital policies, frameworks, support structures and programmes to move towards a situation in which many IDPs can return safely to their homes or find alternative durable solutions.**

The role of the international community

98. **Responding appropriately to the current displacement situation is beyond the existing capacity and resources of the Government. The international community therefore has an important role in supporting the Government to fulfil its obligations, including through technical and advisory services and through financial assistance to the Government and United Nations agencies.**

99. **The international community is urged to enhance its financial and other assistance. Humanitarian assistance and essential projects to provide accommodation are amongst the urgent priorities. In regions affected by the armed conflict, projects to reconstruct or replace housing, restore water, electricity and other essential services are needed to enable IDPs to return to their homes.**

100. **The Special Rapporteur will continue his cooperation with the Government of Ukraine regarding issues related to the human rights of IDPs and, in that context, hopes to conduct a workshop with national and international partners at an appropriate opportunity.**